

Exhibit 16

Expert Opinion

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I have been asked to express my professional expert opinion with respect to the liability of the Palestinian Authority (hereinafter also: the “PA”) and the Palestine Liberation Organization (hereinafter also: the “PLO”) and their leaders, their activists, their employees, their agents and their partners, for the planning, initiation, execution and management of the terrorist offensive known as the “al-Aqsa intifada,” and for the terrorist attacks against Israeli and Jewish targets within this framework. The attacks at issue in the Sokolow case took place as part of and in the context of the al-Aqsa intifada. These attacks not only took place, chronologically and geographically, as part of the al-Aqsa intifada, but were fully consistent with the policies and goals of the PA and PLO at that time, and served the political purposes and aims of the PA and PLO at the time.

My professional expert opinion is issued within the framework of Sokolow v. The Palestinian Authority 04-cv-00397 before the Southern District court of New York. My fee for expert services is £250 per hour.

Areas of specialization:

History, politics, military and strategic affairs of the Middle East; the Arab-Israeli conflict – with a special emphasis on the Palestinian-Israeli conflict.

Professional experience, education, present and previous positions, professional prizes and professional recognition:

See the document which is attached to this, my expert opinion, as an integral part hereof, and is marked **Appendix 1**.

Professional, academic and popular publications:

See the document which is attached to this, my expert opinion, as an integral part hereof, and is marked **Appendix 2**.

Languages:

Hebrew – mother tongue.

English – mother tongue level (reading, writing and speaking).

Arabic – high level of fluency in literary Arabic; partial fluency in spoken Arabic.

Prior Testimony:

In the last four years I have provided testimony in the case Norzitz et al. v. Palestinian Authority et al. Civil Case No. 2538/00, Jerusalem District Court.

General comments on the expert opinion:

- A. This expert opinion is based on my personal and professional knowledge, originating in many years of study and work experience in Middle Eastern affairs; in independent research in my areas of specialization; and in information and documents available to experts in the field, *inter alia* in accordance with that which has been set forth in this, my expert opinion, below. The sources mentioned in the body of the expert opinion, which I personally gathered, represent only a very small portion of the sources on which my analyses and conclusions are based. Some of the additional sources are mentioned in my professional and academic publications (see appendix 2) and in the bibliographic list appended to those publications.
- B. This expert opinion **does not say nearly all there is to say** about the scope of subjects which it addresses, **and does not even purport to do so**; the examples, references and place indicators which appear herein – although they present a faithful and accurate picture of the matters addressed by the expert opinion – reflect **only a very small portion** of the relevant material and do not purport to set forth the entire scope of involvement by the PA and the PLO in terrorism, or their liability for terrorism in general and for the terrorist offensive against Israel in particular, or the entire scope of the relevant data with respect to their liability. The reason for this lies in a wish to delimit the expert opinion and to keep it down to a reasonable size, as well as in the evidentiary requirements of the Plaintiffs, as they were presented to me.
- C. For the sake of simplicity, transliteration of Arabic expressions and Arab names follows the popular, rather than the scholarly usage (e.g., Cairo rather than al-Qahira, Gamal Abdel Nasser rather than Gamal abd al-Nasir, etc.)

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A. Foreword

1. In August 1968, approximately one year after Israel's victory in the June 1967 Six-Day War, and several months before being appointed Chairman of the PLO, Yasser Arafat defined the organization's strategic purpose as "transferring all of the bases of resistance" to Judea, Samaria and the Gaza Strip, which Israel had taken over in the course of that war. This, in his words, was designed "to gradually transform the resistance into an armed revolution of the people." Arafat explained that in this way the PLO would be able to cause "the prevention of [Jewish] immigration and the encouragement of [Jewish] emigration... the destruction of tourism... the weakening of the Israeli economy and the diversion of a major part thereof to defense and security requirements; the creation and maintenance of an atmosphere of tension and anxiety which will force the Zionists to understand that they will not be able to live in Israel." In other words, the intention was to undermine Israel's way of life.¹
2. When this scenario failed to materialize, as a result of the low level of national awareness among the Palestinians and Israel's effective counterinsurgency measures, in June 1974 the PLO adopted the "phased strategy" which was to serve as its guiding principle ever since. This stipulated that the Palestinians would take whatever territory surrendered to them by Israel, then use it as a springboard for further territorial gains until achieving the "complete liberation of Palestine."
3. The September 1993 Declaration of Principles (DOP) between Israel and the PLO (also known as the Oslo Accord after the Norwegian capital where it had been negotiated) complemented this strategy by enabling the latter to achieve in one fell swoop what it had failed to attain through many years of violence and terrorism. Here was Israel, just over a decade after destroying the PLO's military infrastructure in Lebanon, asking the Palestinian organization, which was still formally committed to its destruction by virtue of its covenant, to establish a firm political and military presence - not in a neighboring Arab country but right on its doorstep. And not only this, it was prepared to arm thousands of (hopefully reformed) terrorists who would be incorporated into newly established police and security forces charged with asserting the PLO's authority throughout the territories. In the words of prominent PLO leader Faisal Husseini, Israel was willingly introducing into its midst a "Trojan Horse" designed to promote the PLO's strategic goal of "Palestine from the [Jordan] river to the [Mediterranean] sea" - that is, a Palestine in place of Israel.²
4. Even on September 13, 1993, at the approximate time of the signing ceremony of the DOP on the White House lawn, Arafat announced to the Palestinians, in a prerecorded speech in

¹ Interview with Arafat in *al-Anwar*, Beirut, August 2, 1968.

² *Al-Arabi*, Cairo, June 24, 2000.

Arabic broadcast on Jordanian television, that the declaration was nothing more than part of the implementation of the PLO's own “phased strategy.”

5. Furthermore, from the moment of his arrival in Gaza in July 1994, Arafat began to construct an extensive terrorist infrastructure, in flagrant violation of the DOP and in total disregard of the principal reason for bringing him in from Tunisia – that is, to lay down the infrastructure for Palestinian sovereignty. Among other things, the PA and the PLO:
 - Systematically refrained from disarming the terrorist organizations, Hamas and the Islamic Jihad, as required by the Oslo Accords;
 - Gave their tacit consent, and sometimes even a clear “green light,” to the murder of hundreds of Israelis by the aforesaid groups;
 - Established a Palestinian army (the ostensible “**security organizations**”) which was significantly larger than that permitted by the agreements;
 - Rehabilitated and expanded the PLO’s old terrorist infrastructure, principally under the auspices of **Tanzim**, the “military” arm of the **Fatah** movement (the PLO’s largest constituent organization and Arafat’s *alma mater*);
 - Carried out intensive purchasing of prohibited armaments, and for this purpose used the large amounts of money donated by the international community to the PLO for the benefit of the civilian Palestinian population;
 - Resorted to mass violence – first in September 1996, within the framework of the so-called “Tunnel War” (see additional details below); then in a number of incidents of violence and terrorism (including the events of May 2000, as shall be set forth below); and finally in September 2000, with the launch of their terrorist war, euphemistically referred to as the “al-Aqsa intifada,” after the name of the well-known mosque in Jerusalem - a short time after Ehud Barak, then Prime Minister of Israel, offered Arafat the chance to establish an independent Palestinian state in 92% of the West Bank and 100% of the Gaza Strip, with East Jerusalem as its capital.

B. Emphasis by the PA and the PLO on Israel’s nature as the enemy of the Palestinians

6. On January 30, 1996, Arafat held a closed meeting with some 40 Arab diplomats in the Grande Hotel in Stockholm, at which he exposed his vision of “peace.” Arafat said that “We plan to eliminate the State of Israel and establish a purely Palestinian state,” and added:

We will make life unbearable for Jews by psychological warfare and population explosion. Jews will not want to live among Arabs... They will give up their dwelling and leave for the U.S. We Palestinians will take over everything including all of Jerusalem. [Prime Minister Shimon] Peres and [Minister Yossi] Beilin have already promised us half of Jerusalem. The Golan Heights, too, have already been given away, subject to just a few details. And when they are returned, at least half a million rich Jews will leave Israel.

Arafat closed by stating that "I have no use for Jews. They are and remain Jews. We now need all the help we can get from you in our battle for a united Palestine under Arab rule."³

7. This was not the first time that Arafat told an Arab audience that the series of peace agreements which he had signed with Israel since September 1993 was nothing other than a strategic fraud aimed at bringing about the eventual destruction of the Jewish state. Yet never before had he spelt out his vision of "peace" with such brutal clarity. Ordinarily, Arafat resorted to a panoply of catchphrases and metaphors, both secular and religious, whose meaning was clear and unmistakable to Arabs and Muslims but totally incomprehensible to Western audiences.
8. Two of Arafat's most commonly used euphemisms have been the "regaining of full Palestinian rights" and a "just and comprehensive peace." To Western ears, there is seemingly no loftier ideal than peace based on justice or restoration of usurped rights. Yet in Arab and Palestinian parlance, such "justice" has always meant the "return of the whole of Palestine to its rightful owners," that is - the establishment of a Palestinian state on Israel's ruins, as has the constant pledge to "fly the Palestinian flag over the walls of Jerusalem."
9. A no less prominent indicator of Arafat's instrumental perception of the Oslo process has been his repeated evocation of the 1974 "phased strategy." In September 1993 alone, Arafat evoked the "phased strategy" over a dozen of times in media appearances throughout the Arab world,⁴ most notably in the above noted personal message to the Palestinian people, broadcast in Arabic by Jordanian television at about the same time of the signing ceremony on the White House lawn.
10. Needless to say, this vision of "peace" was not mentioned in even one of the interviews with Arafat that appeared in the Israeli and Western press at the time, in which he consistently praised the "peace of the brave" which he had just signed. Only once, in an interview with the Israeli weekly ***Haolam Hazeh***, on September 8, 1993, Arafat forgot the

³ *Jerusalem Post*, February 23, 1996; *Jerusalem Report*, March 21, 1996, p. 12.

⁴ For example: ***Radio Monte Carlo in Arabic***, September 1 and 3, 1993; ***Middle Eastern News Agency***, Cairo, September 3, 1993; ***al-Hayat***, London, September 12, 1993; ***ESC Television in Arabic***, Cairo, September 13, 1993; ***ENTV Television in Arabic***, Algiers, September 14, 1993; ***MBC Television***, London, September 13, 1993; ***Radio Cairo***, September 11, 1993.

rules of caution for a moment and reverted to one of the traditional PLO euphemisms for the destruction of the State of Israel, when he said (as quoted by an Israeli journalist who had come to visit him at his headquarters in Tunis) that “I may not live to see it, but I promise you that in the future, Israel and Palestine will be one united state.”⁵

11. In a closed meeting with Muslim leaders in Johannesburg, South Africa, on May 10, 1994, Arafat stated that the Oslo Accords were equivalent to the Treaty of Hudaibiya, signed by the Prophet Muhammad with the people of Mecca in 628 only to be reneged on just two years later, when the situation was more favorable to Muhammad. A local Jew who had disguised himself as a Muslim and had succeeded in infiltrating the meeting recorded Arafat’s words without his knowledge.⁶
12. Three weeks later, on May 30, the Chairman of the PA and the PLO repeated the same analogy – this time, in public. Arafat told a group of Palestinian contractors who visited him in Tunis: “What we achieved was not all that we wanted but the best we could get at the worst possible time,” and added: “Prophet Muhammad reached [a similar – E.K.] agreement with the infidels in Hudaibiya and it was torn down two years later.”⁷ The analogy with Hudaibiya, the religious parallel of the “phased strategy,” became a regular theme in Arafat’s public rhetoric during the 1990s, and also during the terrorist offensive against Israel which was launched in September 2000.⁸
13. The view of the peace process as a grand deception aimed at bringing about Israel’s eventual demise was fully shared by the Palestinian leadership. Thus, for example, Faisal Husseini told Syrian television on September 9, 1996, that: “All Palestinians agree that the just boundaries of Palestine are the Jordan River and the Mediterranean [that is, Palestine in place of Israel – E.K.],” and added: “Realistically, whatever can be obtained now should be accepted, [in the hope that – E.K.] subsequent events, perhaps in the next 15 or 20 years, would present us with an opportunity to realize the just boundaries of Palestine.”⁹
14. Faisal Husseini remained committed to that vision to his final days. In June 2001, shortly before his sudden death of a heart attack, he baldly stated to an Egyptian newspaper that: “When we ask all Palestinian forces and factions to regard the Oslo Accord and other agreements as temporary measures, or phased goals, this means that we are baiting the Israelis or duping them.” Husseini went on to explain:

⁵ Uzi Machanaymi, “Arafat: I know there is an agreement between Israel and Damascus” [Hebrew], *Haolam Hazeh*, September 8, 1993, pp. 3-4.

⁶ *Jerusalem Post*, May 23, 1994.

⁷ *Jerusalem Post*, June 1, 1994.

⁸ For example: *PA Television*, August 21, 1995; interview with Arafat by Egyptian journalists, *Hatzav* (Israel Defense Forces Media Monitoring Unit), August 23, 1995, Compendium 1082/836; *al-Quds*, May 10, 1998; *Orbit Television*, Cairo, April 18, 1998; interview with Arafat in *al-Hayat*, London, October 5, 2002.

⁹ Quoted from a news item of the Israeli news agency *IMRA*, September 9, 1996.

We distinguish the strategic, long-term goals from the political phased goals, which we are forced to temporarily accept owing to international pressure... Though agreeing to declare our state over what is now only 22 percent of Palestine, namely the West Bank and Gaza, our ultimate goal remains the liberation of all historical Palestine from the river to the sea, even if this means the continuation of the conflict for another thousand years or for many generations.

Husseini claimed that had the Israelis and the Americans realized that the Oslo Accords were merely a “Trojan horse” designed to promote the achievement of the supreme goal of liberating all of Palestine, “they would never have opened their fortified gates and let it inside their walls.” Husseini emphasized that because Israel had been led astray and had become embroiled in this stupid strategic error, the Palestinians, like the ancient Greeks, would eventually triumph. As he put it, “The people of Troy... cheered and celebrated thinking that the Greek troops were routed, and while retreating, they left a harmless wooden horse as spoils of war. So they opened the gates of the city and brought in the wooden horse. We all know what happened next.”¹⁰

15. Other Palestinian leaders expressed themselves (in Arabic and to Arab audiences) with the same degree of frankness. In July 1994, Yasser Abd Rabbo, the Minister of Culture, Art and Information in the PA Government, was quoted as solemnly declaring that the Palestinians would restore “all of Palestine” to themselves.¹¹ And a month later, Farouq Qaddoumi, head of the PLO’s Political Department, called for the destruction of Israel, saying that: “There is a state that was established through historical force and it must be destroyed. This is the Palestinian way.”¹² Even the most moderate members of the Palestinian leadership, the architects of the diplomatic process – Mahmoud Abbas (Abu Mazen) and Ahmed Qurei (Abu Ala) – did not hesitate to express their hope that Israel would eventually be destroyed. In an interview with the Israeli daily *Maariv* on January 19, 1996, Abu Mazen gently repeated the PLO’s old formula of a democratic state comprising all of Palestine. Abu Ala, on the other hand, did not hesitate to demonstratively trample on fragments of an Israeli flag which had been set on fire in front of his eyes. At another demonstration, he told a cheering crowd that “With Allah’s help, the return is coming soon.”¹³
16. Abu Ala’s promise touched on one of the most emotive and intractable manifestations of Palestinian rejection of Israel: the “right of return.” In Arab and Palestinian discourse - though not when addressing Western audiences - the demand for the return of the 1948 refugees and their descendants to territory that is now part of the state of Israel, and their

¹⁰ *Al-Arabi*, Cairo, June 24, 2001.

¹¹ *Jerusalem Post*, July 17, 1994.

¹² *Jerusalem Post*, August 10, 1994.

¹³ *Al-Ittihad* (Internet edition), June 24, 1996; *Haaretz*, July 13, 1997; *Israeli television*, December 23, 1995.

financial compensation for their losses and suffering, is yet another prong of Arafat's "phased strategy," in this case the destruction of Israel through demographic subversion. This concept is solidly rooted in history. As early as October 1949, the Egyptian politician Muhammad Salah al-Din, soon to become the Foreign Minister of his country, wrote in the influential Egyptian daily *al-Misri* that: "In demanding the restoration of the refugees to Palestine, the Arabs intend that they shall return as the masters of the homeland and not as slaves. More specifically, they intend to annihilate the state of Israel."¹⁴ In subsequent years there was hardly an Arab leader, from Gamal Abdel Nasser to Hafez Assad to Yasser Arafat and Mahmoud Abbas, who did not reiterate this concept of the "right to return."

17. In spite of their formal commitment to the diplomatic process with Israel, senior PLO officials were quick to pass on to the Palestinian public the message that there would be no change in their determination to implement the "right of return." Arafat himself emphasized this matter in a series of interviews in September 1993;¹⁵ one week after the historic handshake on the White House lawn, "a source close to Arafat" leaked a report by the PLO Information Department, titled "Palestinian Refugees and the Right of Return," to a Lebanese newspaper. The document stated as follows: "The right of return is an inalienable right that cannot be measured by money. No compensation, however substantial, will be of any value so long as the refugees do not have an independent state on their own land."¹⁶
18. A long series of declarations, articles and studies, published after the signing of the Declaration of Principles, indicates time and again the Palestinian perception of the "right of return" as an integral part of the diplomatic process.¹⁷ The same is true of the guiding principles of the PA, published a short time after its establishment in May 1994. These principles draw a direct historical line between the Palestinian rejection of Jewish sovereignty in 1948 and the Oslo Accords and make intensive use of the wording and terminology of the "phased strategy"; they set forth an undertaking by the PA "to work for the achievement of the legitimate Palestinian goals: independence, freedom, equality and return, through a graduated process."
19. The above-cited graduated process was not limited to the "liberation" of the West Bank and Gaza. The document in question makes mention of "international legitimacy" and

¹⁴ *Al-Misri*, Cairo, October 11, 1949.

¹⁵ For example, Arafat's announcements which were broadcast on the *Voice of Palestine* radio station from Algiers, September 3 and 8, 1993, and the interviews which he gave to *al-Hayat*, London, September 12, 1993.

¹⁶ *Al-Bayraq*, Beirut, September 21-22, 1993.

¹⁷ For example, announcements by Hanan Ashrawi and Nabil Shaath in *Haaretz*, September 9, 1993; interview with Farouq Qaddoumi to *MBC Television in Arabic*, London, September 1, 1993; *Reuters*, Cairo, July 1, 1994; *Voice of Palestine Radio* (PA – Jericho), July 2, 1994; *al-Nahar*, Jerusalem, July 2, 1994; Ziad Abu Amda, "The Oslo Piece Process" [Arabic], *al-Siyasa al-Filastiniyya*, Nablus, September 1994; *al-Quds*, October 19, 1994; *al-Dustur*, Amman, October 30, 1993; panel discussion of Palestinian political activists, Israel Television, February 1, 1994.

especially of Resolution 194, which was adopted by the United Nations General Assembly on December 11, 1948, and which is (mis)interpreted by the Palestinians as ensuring the Palestinian “right of return.”

20. Furthermore, the guiding principles of the PA also mention both the “Arabness of Palestine and its being a part of the Arab nation,” as well as “the Palestinian and Arab identity of our people in the Galilee, the Triangle and the Negev” (in other words, in Israel within the “Green Line”).¹⁸ If the term “occupation,” as the majority of Western observers understand it, describes the Israeli control of Judea, Samaria and the Gaza Strip, captured in the June 1967 war; by contrast, Palestinians and Arabs view the Israeli presence in those territories as representing only the most recent chapter in a continuous story of “occupation” which began with the establishment of Israel in May 1948 on “stolen” land. This means that the “right of return” is intended to cancel out the effects of the “1948 occupation” – that is, the establishment of the State of Israel itself.
21. An even more explicit expression of the PLO’s total rejection of Israel’s right to exist is proposed in the Palestinian National Covenant, adopted in 1964 as one of the organization’s two founding documents (the other being the PLO’s constitution) and amended four years later to reflect the growing militancy of the organization following its takeover by the **Fatah** movement and the small guerrilla groups. The overwhelming majority of the Covenant’s 33 articles are focused on the illegitimacy of the Jewish state and the need to destroy it.
22. No wonder, then, that Israel, from the onset of the Oslo talks, demanded the amendment of the Palestinian Covenant as a prerequisite for any diplomatic agreement. After a great deal of argumentation, Arafat grudgingly agreed to notify Prime Minister Yitzhak Rabin, in a personal letter dated September 9, 1993, that: “The PLO affirms that those articles of the Palestinian Covenant which deny Israel’s right to exist, and the provisions of the Covenant which are inconsistent with the commitments of this letter, are now inoperative and no longer valid,” adding that “the PLO undertakes to submit to the Palestinian National Council for formal approval the necessary changes in regard to the Palestinian Covenant.”¹⁹ In a follow-up letter to Rabin on May 4, 1994, accompanying the newly-signed Gaza-Jericho Agreement on the implementation of the first stage of the DOP, Arafat went a step further by committing the PLO “to submit to the next meeting of the Palestinian National Council (hereinafter **PNC**) for formal approval the necessary changes in regard to the

¹⁸ *Al-Dustur*, May 29, 1994.

¹⁹ Mahmoud Abbas, **Through Secret Channels** (Reading: Garnet, 1995), pp. 107-108, 208-209; Uri Savir, **The Process** [Hebrew] (Tel Aviv: Yedioth Ahronoth Press, 1998), pp. 91-99.

Palestinian Covenant, as undertaken in the letter dated September 9, 1993 signed by the Chairman of the PLO and addressed to the Prime Minister of Israel.”²⁰

- 23. A short time later, however, it transpired that Arafat had no intention whatsoever of keeping his promise, and he began a protracted series of evasive maneuvers in this regard. At a meeting with Rabin, and Foreign Minister Shimon Peres, on July 7, 1994 (a few days after Arafat’s entry into the Gaza Strip), the Chairman of the PA and the PLO promised to convene the PNC “in the very near future.” Rabin agreed to wait for a “reasonable time.” Two days later, Arafat’s political advisor, Ahmad Tibi, clarified that “there will be no convention [of the Palestinian National Council – E.K.] without all the members getting invitations and coming in [to the territories – E.K.] legally.” Rabin, who did not want to give the PLO any excuse for an additional postponement, announced that all members of the Palestinian National Council – including those whom Israel considered to be terrorists – would be permitted to participate in the PNC meeting in Gaza. This announcement, however, did not cause the Chairman of the PA and the PLO to abandon his position. At a press conference in Gaza that month, after having met with Peres and the Norwegian foreign minister, he again accused Israel of preventing many PNC members from entering Gaza and Jericho. The emphatic denial by Peres fell on deaf ears; Arafat, on the other hand, claimed that he could not promise that the Palestinian National Council would revoke the articles in the Covenant which called for the destruction of Israel, as already promised in his letter of September 9, 1993. Arafat said that he was not entitled to promise this, and added that: “You have to respect our democracy. This is the business of the members of the PNC.”²¹
- 24. The following month, it was resolved at a meeting of the **Fatah** Central Committee in Tunis, headed by Arafat, to postpone the convocation of the PNC for an indefinite period of time. Sheikh Abdel Hamid Sayah, the PNC’s outgoing Speaker, explained the resolution by saying (notwithstanding the commitments by the PLO) that: “If Israel does not recognize the establishment of a Palestinian state with East Jerusalem as its capital, there would not be any decision to cancel the causes of the charter calling for the liberation of Palestine.”²²
- 25. Rabin was furious with Arafat’s evasive tactics and announced that as long as the PLO did not amend the articles in the Covenant which called for the destruction of Israel, the Israeli Government would not allow the Palestinian elections – which had been set as a prerequisite for additional Israeli withdrawal and the establishment of a Palestinian Council (i.e., parliament) – to take place.²³ This threat, however, had no effect on Arafat, and Rabin

²⁰ Letter from Chairman Arafat to Prime Minister Yitzhak Rabin (paragraph 3) accompanying the “Gaza-Jericho Agreement,” www.mfa.gov.il.

²¹ *Jerusalem Post*, July 8, 11, 15, 21, 22, 23, 26, 1994.

²² *Jerusalem Post*, August 22, 24, 1994; *Al Hamishmar*, August 8, 1994; *al-Hayat*, London, May 18, 1996.

²³ *Maariv*, March 15, 16, 1995; *Jerusalem Post*, November 17, 1994; *Al Hamishmar*, August 16, 1994.

agreed to postpone the amendment of the Covenant until after the PA elections. At the same time, Israel succeeded in introducing into the Interim Agreement on the West Bank and the Gaza Strip (also known as Oslo II) a clear undertaking by the PLO to the effect that “within two months of the date of the inauguration of the Council, the Palestinian National Council will convene and formally approve the necessary changes in regard to the Palestinian Covenant.”²⁴

- 26. Prime Minister Peres, who replaced Rabin after his assassination on November 4, 1995, demanded that Arafat amend the Palestinian Covenant. Yet, having realized that Arafat would attempt to extract Israel’s consent to the establishment of a Palestinian state in return for the amendment of the Covenant, Peres agreed that the PNC would formulate a new document instead of canceling the articles of the Covenant which explicitly or implicitly spoke of the destruction of the State of Israel. On May 4, 1996, Arafat informed Peres in an official letter that the PNC had amended the Covenant at its 12th session, which had taken place in Gaza on April 22-25, 1996.²⁵
- 27. It rapidly transpired that Arafat had again succeeded in duping the Israelis and the Americans, and that the Palestinian Covenant had not been amended at all. In Arafat’s letter to Peres, a deceptive translation of the resolution by the PNC had been presented; the original Arabic version, as presented on the official PLO radio channel, had stated that a resolution had been adopted “to amend the Covenant” at some time in the future. Arafat, however, misrepresented this general announcement and stated that “The Covenant is hereby amended”.²⁶
- 28. This matter was no mere technicality. The PNC refrained from citing the specific articles which had ostensibly been canceled. Instead, it chose the generalized formula of “canceling the articles that are contrary to the letters exchanged between the PLO and the Government of Israel on September 9 and 10, 1993,” and assigned to its Legal Committee “the task of redrafting the Palestinian National Charter in order to present it [in its amended form – E.K.] to the first session of the Palestine Central Council.”
- 29. This deliberate vagueness left many of the participants in the PNC session wondering as to the nature of the changes they had ostensibly introduced into the Covenant, including the identity of the articles that had been amended or canceled, the way in which they had been changed, or the estimated date on which the (ostensible) changes were to enter into force. Salim Zaanun, the new Speaker of the PNC, claimed that no specific articles had been canceled; Nabil Shaath said that his “feeling” was that seven articles had been canceled;

²⁴ Section XXXI (9) of the Interim Agreement; Geoffrey W. Watson, *The Oslo Accords: International Law and the Israeli-Palestinian Peace Agreements* (Oxford: Oxford University Press, 2000), p. 366.

²⁵ *Israel Information Center*, English Website, May 5, 1996.

²⁶ *Voice of Palestine*, April 24, 1996; Israel Information Center, English Website, May 5, 1996; *Jerusalem Post*, May 8, 1996.

and Sufian Abu Zaida, head of the Israel Desk in the PLO, claimed that all 33 articles of the Covenant had been canceled. As for Faisal Hamdi Husseini – the head of the Legal Committee of the PNC, who had been authorized to rewrite the Covenant – he announced on May 5 that within three months, he would submit a new covenant in which 21 articles would be modified or canceled. This implied that no article had been amended up to that point.²⁷

30. The PNC itself did not even mention the (supposed) amendment of the Covenant in the closing statement of its 12th session. The statement included 19 specific resolutions on a variety of subjects, from Jerusalem to settlement activity to the refugee problem. Israel was condemned for having forced upon the Palestinians “the ugliest injustice in history,” for having destroyed the economic infrastructure of the West Bank and the Gaza Strip, and for its attempts at sabotaging the Oslo Accords on security-related pretexts. But there was no mention of the resolution to amend the Covenant or the far-ranging consequences implied by such an amendment. The formulators of the closing statement re-adopted the old militant jargon and proclaimed the Palestinian right to “establish an independent state, and enjoy a full sovereignty on the soil of their homeland” – the standard euphemism for the establishment of a Palestinian state on the ruins of the State of Israel.²⁸
31. Arafat himself never behaved as if the text – and certainly not as if the spirit – of the Covenant had been amended. In a series of interviews immediately prior to the convocation of the PNC, he circumvented any reference to the amendment of the Convention; instead, he gave a broad description of his vision of “peace,” which included the establishment of “a democratic state in which Muslims, Christians and Jews can coexist” – the old euphemism for the destruction of Israel. In his speech at the PNC’s opening session, Arafat made great efforts to present the entire peace process within the framework of the “phased strategy,” and made it perfectly clear to his listeners what the ultimate objectives of the PLO were.
32. Only on December 14, 1998, after two and a half years of bargaining with then Prime Minister Binyamin Netanyahu, hundreds of PNC members and Palestinian Legislative Council delegates convened at the Rashad Shawaa Cultural Center in Gaza, in the presence of then United States President Bill Clinton, in order to support by a show of hands – but not by a formal vote – the amendments to the Covenant proposed by Arafat.
33. The fact that more than five years of pressure were necessary to overcome an infinite number of evasive tactics by the Palestinian leadership underscores the PLO’s extreme reluctance to disown its legacy of hatred and rejection. Even at this “final” moment of

²⁷ Yehoshua Porath, “Antisocial Text: The PLO Charter Scam”, *New Republic*, July 8, 1996, p. 9; *Jerusalem Post*, May 1, 6, 1996; *al-Nahar*, May 16, 1996; *Voice of Israel* Radio, April 25, 1996.

²⁸ *Voice of Palestine* (PLO Radio), April 26, 1996.

truth, the PLO was not capable of carrying out the necessary procedure, which had been set forth in the Covenant itself for this purpose: a two-thirds majority of a formal vote at a special PNC meeting called for this purpose. Instead, it preferred a substitute – however spectacular – which left a large number of hurtful articles unchanged. In this way, the PLO was ostensibly able to abide by its commitment to the extent which was required for any significant *quid pro quo* from Israel, while at the same time signaling to the Palestinian public that the historic slogan “struggle until victory” still expressed the ultimate objective.

34. This “signal” is in line with the messages inculcated in the Palestinian public by the PA and PLO leadership, as set forth in this expert opinion; and it has been systematically enhanced by means of the incitement conducted by Arafat, the PA and the PLO. In flagrant violation of their undertakings in the Oslo Accords, they have indoctrinated their people, particularly their young people, an ineradicable enmity toward the State of Israel, Jews and Judaism.
35. Arafat set the tone a short time before the signing of the DOP, when he defined Israel as an enemy and not as a partner for peace. In a radio interview on September 1, 1993, Arafat said that “Judea and Samaria no longer exist,” and added, “There is occupied Palestinian territory from which the enemy, the Israelis, will gradually withdraw.”²⁹ In October 1993, he announced that there would be no normalization with Israel before its total withdrawal from the territories, and the restoration of full Palestinian rights – a standard euphemism for Israel’s destruction. In the course of a visit to Senegal a short time after the signing of the Declaration of Principles, Arafat appealed to the African states not to recognize Israel until the establishment of a Palestinian state, and his deputy, Abu Mazen, made a similar appeal to the Arab states.³⁰ “Israel is still our enemy,” Hanan Ashrawi told a group of Arab-American political activists shortly after the signing of the DOP. “The agreement does not change the situation in the territories into a rose garden.”³¹
36. During his triumphant arrival in Gaza, in July 1994, Arafat did not praise the agreement that had enabled this historic development; rather, he exploited every possible stage to express his contempt of the diplomatic process and his partners in the process. In a speech at a refugee camp in Gaza, Arafat said, “I know that many of you are unhappy with the agreement I have signed,” and added, “I am not happy with it either.” In a speech in Jericho, Arafat went a great deal further: speaking to an audience that ecstatically chorused, “With our lives and our blood we will redeem Palestine,” he launched a venomous attack on Israel, which, he claimed, wanted and still wants “to wipe the Palestinian people off the map.”³² Arafat’s speech in Gaza, two days before, which Egyptian President Hosni

²⁹ *Radio Monte Carlo in Arabic*, September 1, 1993.

³⁰ *Maariv*, October 28, 1993; *Voice of Palestine* Radio, Algiers, September 18, 1993; interview with Mahmoud Abbas (Abu Mazen), *al-Sharq al-Awsat*, London, September 17, 1993.

³¹ *Maariv*, November 3, 1993.

³² *Voice of Palestine* Radio (PA), July 7, 1994; French news agency, July 2, 1994.

Mubarak took care to tone down considerably in advance so as to avoid a direct confrontation with Israel, went even further, ending with a promise to “liberate” the Arab citizens of Israel – not the residents of the West Bank and Gaza – from their ostensible enslavement. Arafat declared, “I am saying it clearly and loudly to all our brothers, from the Negev to the Galilee, and let me quote Allah’s words: ‘We desired to be gracious to those that were abased in the land, and to make them leaders, and to make them the inheritors, and to establish them in the land.’”³³

- 37. Once the PA had obtained control of the Palestinian population in the territories, Israelis in particular and Jews in general were described on a regular basis as the source of all evil, responsible for all problems, real or imaginary, in the territories, a synonym for corruption and decadence. Palestinians were told of the most outlandish Israeli plots to corrupt and ruin them, in line with the medieval myth of Jews as secret destroyers and poisoners of wells. Thus, Arafat charged Israel with killing Palestinian children to get their organs, while the PA’s minister of health, Riad Zaanun, accused Israeli doctors of using “Palestinian patients for experimental medicines.” The Palestinian representative to the Human Rights Commission in Geneva charged Israel with injecting Palestinian children with the AIDS virus, while the director of medical guidance in the PA’s anti-drug directorate accused Israel of distributing drugs in the Palestinian territories in order to destroy Palestinian society and create crime and social problems among youth. The PA minister of ecology, Yusuf Abu Safiyyah, indicted Israel for “dumping liquid waste ... in Palestinian areas in the West Bank and Gaza,” a charge famously amplified by Suha Arafat when, in the presence of Hillary Clinton, she told an attentive audience in Gaza in November 1999 that “our people have been subjected to the daily and extensive use of poisonous gas by the Israeli forces, which has led to an increase in cancer cases among women and children.”³⁴
- 38. The theory of an organized Jewish conspiracy to take over the world, as described in the notorious “Protocols of the Elders of Zion,” is perhaps the most successful anti-Semitic import to the Arab-Muslim world. The PA has repeatedly referred to this treatise and its tightly controlled media is rife with stories about Jewish “plots” and “conspiracies.” Arafat himself drew from the “Protocols” in a speech made in his first visit of Jericho in July 1994; in late 1997, when a dispute broke out with respect to the scope of the Israel Defense Forces’ redeployment in Judea and Samaria, the PA’s most important daily newspaper, *al-Hayat al-Jadida*, mockingly defined the maps presented by the Government of Israel as the most recent manifestation of the great Zionist design, as described in the “Protocols of the Elders of Zion,” to expand from the Nile to the Euphrates. Subsequent articles went even

³³ *Radio Monte Carlo in Arabic*, July 1, 1994; *al-Nahar*, July 3, 1994. The quotation from the Koran is taken from Surah 28, “The Story”.

³⁴ *Al-Hayat al-Jadida*, December 25, 1997, September 26, 2000; *al-Jazeera* television, January 13, 2002; *Reuters*, November 11, 1999.

further, providing an extensive description of the malicious plots allegedly set forth in the “Protocols” for the manipulation of world public opinion in support of Zionism.³⁵

39. This incessant defamation of the Jews has been accompanied by a systematic denial – by both the PA and the PLO – of the legitimacy of the Jewish state. Israel is frequently referred to in Arabic by the pejorative term “the Zionist entity,” and is prominently absent from Palestinian maps. Its territory is described in those maps as part of “Greater Palestine” – from the Jordan River to the Mediterranean. When Netanyahu protested against this phenomenon in 1998, the PA media asked, “Which Israel is he talking about: that of 1948, 1967, 1982, or that extending from the Nile to the Euphrates? Let him define for us what Israel is so that we can add it to the map of the dictatorships that have had their day in history, only to vanish later without a trace.”³⁶
40. As part of the effort to deny Israel’s legitimacy, the PA customarily distorts and defames Israeli and Jewish history and even denies any relationship between the Jews and the Temple Mount or, by implication, the Land of Israel itself. Even at the Camp David summit of July 2000 some of the Palestinian participants denied the existence of King Solomon’s Temple on the Mount. Arafat himself told Clinton that the Temple had been situated in Nablus, and not in Jerusalem. The President of the United States replied to him that “not only the Jews but I, too, believe that under the surface there are remains of Solomon’s temple.”³⁷
41. If the Temple signifies for the Palestinians the foremost ancient symbol of the Jewish connection to the Land of Israel, the Holocaust is viewed as the strongest justification in the modern era for the existence of a Jewish state, and has accordingly been denied by the PA. The official media of the PA make great efforts, albeit in a manner fraught with dualism and internal contradictions, to minimize the Holocaust if not to deny it altogether. At the same time, the Palestinians are described as the true victims of the Holocaust (“the victims’ victims,” as they at times refer to themselves) because they ostensibly have to pay the price of the West’s supposed desire to atone for this act of genocide by establishing a Jewish state. (Aside from the fact that no such “corrective policy” has existed among the European states – after all, Britain, as the occupying power in Palestine, was vehemently opposed to the establishment of a Jewish state – acceptance of the Palestinian Holocaust denial would mean that the European states would have no logical reason to experience conscience pangs for something that never happened.) Abu Mazen himself stated in a book

³⁵ For example, *Al-Hayat al-Jadida*, November 30, 1997, December 21, 1997, July 2, 1998, November 7, 1998.

³⁶ *Al-Hayat al-Jadida*, December 17, 1998.

³⁷ Benny Morris, “Camp David and After: An Exchange: An Interview with Ehud Barak,” *New York Review of Books*, June 13, 2001.

published in the 1980s that fewer than one million Jews were murdered in the Holocaust, and that the Zionist movement was a partner in the mass slaughter of the Jews.³⁸

42. In the PA's hate campaign, a place of pride has been reserved for children. They learn about an evil Jewish persona, which originated in Biblical times and which accounted for the persecution of the Jews all over the world and throughout the generations. They are inculcated with the idea that Jews have always been, and still are, uncompromising enemies of Islam, people who "called Muhammad a liar and denied him, fought against his religion in all ways and by all means, a war that has not yet ended to this very day."
43. When Palestinian children grow up, they can join various youth organizations which continue to brainwash them with racist, anti-Semitic ideology. A growing role in this indoctrination is reserved for an extensive network of summer camps, which the PA established after assuming control of the Palestinian population in the West Bank early in 1996. These camps provide a well-planned blend of ideological indoctrination and military training for thousands of Palestinian young people each year. All of the camps bear the names of "martyrs" or of "spectacular acts of self-sacrifice" (in other words, terrorist attacks), and the camp counselors instill in their young students a desire to die a "martyrs' death" (*shahada*).³⁹ It should be emphasized that in the language used by leaders, senior officials and spokespeople of the PA and the PLO, the terms *shahid* and *shahada* are reserved for individuals who were killed in the "struggle" against Israel and the description of the significance of their death (respectively); generally speaking, they are used with specific reference to (and appreciation of) people who were killed as a result of their involvement in terrorism or in the perpetration of terrorist attacks (including suicide bombings).
44. Furthermore, Arafat did not hesitate to utilize the immense inflammatory potential of Islam, which has constituted the linchpin of Middle Eastern social and political order for more than a millennium as his principal tool for discrediting his Israeli peace partners, and by extension – peace itself. Until the PA's formation, mosques and religious courts in Gaza had been run by Egypt, while their West Bank counterparts had been administered by the Jordanians, under special arrangements with Israel in force since 1967. In late 1994, Egypt handed over responsibility for religious affairs in Gaza to the PA, and King Hussein agreed to do the same in the West Bank, while maintaining his claim, as descendant of Prophet Muhammad, to responsibility in Jerusalem. In reality, the PA's influence quickly spread to Jerusalem as well. As early as October 1994, Arafat appointed Sheik Ikrima Sabri to the highest Palestinian religious post - Mufti of Jerusalem - alongside the Jordanian appointee Abdul Qader Abdin. As a result, Abdin was all but ignored by the Palestinians, with

³⁸ Mahmoud Abbas (Abu Mazen), *Al-Wajh al-Akhar: al-Alaqat al-Sirriya bayna al-Naziya wa-l-Sihuniya* (Amman, Dar Ibn Rushd, 1984).

³⁹ For example, *al-Hayat al-Jadida*, July 14, 16, 17, 2000; *New York Times*, August 3, 2000.

preachers in the al-Aqsa mosque (who had previously had the texts of their Friday sermons vetted by the Jordanians) handing them instead to Arafat's officials for approval.

45. By controlling what was said at these Friday sermons, Arafat found an extremely powerful tool of incitement. These sermons, which can run for up to an hour, are designed to teach Muslims about their religion and its main precepts, but under the PA they have concentrated far less on religious education than on anti-Israeli and anti-Jewish incitement. Week after week preachers have been using the pulpits to discredit the peace process and to instill hatred for Israelis and Jews. Worshippers have been taught that Jews are the "descendants of apes and pigs" and warned of Zionist machinations to divide the Palestinian people and spawn internecine strife. Israel has frequently been derided as "the enemy," and the Oslo Accords have been described, on more than one occasion, as a wicked plot to humiliate the Palestinians. In December 1994, when the Palestinian police killed 14 Hamas activists in the first bloody clash between the PA and its foremost domestic rival, Sabri hastened to accuse Israel of carrying out the massacre during prayer time.⁴⁰
46. In spreading these false accusations, the Jerusalem Mufti was following in the footsteps of his chief employer, Yasser Arafat, who had time and again repeated the fanciful allegations that militant circles within the Israel Defense Forces and the Israeli security services were both flooding the territories with weapons, in hope to foment a Palestinian civil war, and masterminding the suicide bombings against Israeli civilians.⁴¹
47. It is easy to detect a correlation between the fluctuations in the PA policy and the direction of the Friday sermons in the mosques. Thus, for example, in the summer of 2000, when Arafat decided to exploit the question of Jerusalem as a pretext for bringing about the collapse of the Camp David summit, Mufti Sabri hastened to launch a fiery and tempestuous propaganda campaign aimed at denying any Jewish connection to the city. When the PA and the PLO launched their war of terror in September 2000, the Friday sermons lost any remaining vestige of restraint and became a bacchanal of unbridled anti-Jewish incitement. As one example of many, we may recall the sermon given by Sabri on Friday, May 25, 2001 (one week before a suicide bomber murdered and wounded dozens of young people at the Tel Aviv Dolphinarium), in which he said, "They [the Jews – E.K.] think that they scare our people," and added:

We tell them: inasmuch as you love life – the Muslim loves death and martyrdom. There is a great difference between he who loves the hereafter and he who loves this world. The Muslim loves death and [strives for – E.K.] martyrdom. He does not fear the oppression of the arrogant or the weapons of the blood-letters. The blessed and sacred soil of Palestine has

⁴⁰ Khaled Abu Toameh, "Sermons of Fire," *Jerusalem Report*, March 23, 1995, pp. 20-21.

⁴¹ For example, *Jerusalem Post*, November 28, 1994; *Maariv*, May 2, 1995.

vomited all the invaders and all the colonialists throughout history and it will soon vomit, with Allah's help, the present occupiers.⁴²

This clear and overt call for the indiscriminate murder of Jews and the destruction of the State of Israel was sounded by the highest-ranking Palestinian religious leader, who was appointed by the PA. This and similar calls have been and are being broadcast on the PA's official television and radio stations, week after week. The tone and content of Sabri's above sermon were not unique in any sense of the word. The sermon was one more example of the Palestinian leadership's perception of the Oslo Accords as a Trojan horse for the destruction of the Jewish state, and not as a means of becoming reconciled with it.

C. The ongoing commitment of the PA and the PLO to terrorism (“the armed struggle”)

48. In light of past history and the nature of the PLO, it was only natural that Rabin, widely known in Israel as “Mr. Security,” would seek to predicate the nascent diplomatic process on the PLO’s unequivocal and irrevocable renunciation of the use of violence, and especially of terrorism, as a political tool. Arafat had promised that much in his letter to Rabin on September 9, 1993, which paved the way for Israel’s recognition of the PLO and for the signing of the DOP four days later. In this letter Arafat wrote: “The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues related to permanent status will be resolved through negotiations,” and added:

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts, which endanger peace and stability.

Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.

Arafat repeated this commitment in an additional letter, written on the same day, to Norwegian Foreign Minister Johan Jorgen Holst, in which he promised that upon the signing of the Declaration of Principles he would publicly state that “the PLO encourages and calls upon the Palestinian people in the West Bank and the Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, contributing to peace and stability and participating actively in shaping reconstruction, economic development and cooperation.”⁴³

⁴² *Palestinian Television* (PA), MEMRI, Special Dispatch Series, No. 226, June 6, 2001.

⁴³ Watson, *The Oslo Accords*, pp. 315-6.

49. In the follow-up agreements on the implementation of the DOP, the PLO committed itself not only to forego acts of violence against Israel but also to prevent any such acts by all groups and organizations under its jurisdiction. The May 1994 Gaza-Jericho agreement stipulated the establishment of a Palestinian Authority in these territories, which was to “take all measures necessary in order to prevent acts of terrorism, crime and hostilities... [and] such hostile acts directed against the Settlements, the infrastructure serving them and the Military Installation Area,” as well as to take “legal measures against offenders.” The Palestinian Authority was also to ensure that no other armed groups would be established or operate in the Gaza Strip and the Jericho Area, apart from the official police force, and that no organization or individual “shall manufacture, sell, acquire, possess, import or otherwise introduce into [these territories] any firearms, ammunition, weapons, explosives, gunpowder or any related equipment.” In the September 28, 1995, Israel-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II), the PA reiterated the pledge “to take all measures necessary in order to prevent acts of terrorism, crime, and hostilities,” including the disarming of all illegal armed groups operating under its jurisdiction.⁴⁴

50. In actual fact, these commitments faded away as if they had never been made, notwithstanding the fact that the terrorist attacks on Israel continued. On September 10, 1993, only one day after his public undertaking to Rabin to renounce violence, Arafat said, “No one has the power to stop the intifada.” A week later, he stated, “The intifada will end when the occupation ends.” In answer to a question by the interviewer: “Meanwhile, incidents are possible?” Arafat answered: “Naturally, we must expect events, we do not have a magic wand, no more than the Israelis do. We must bear with incidents here and there.”⁴⁵ In the same way, he dodged his promise to Holst to call for the cessation of violence in his speech at the White House. Only a week later did he issue such an announcement from his headquarters in Tunis, and even this was only achieved as a result of heavy Israeli and Norwegian pressure.⁴⁶

51. The same concept resounded in a statement by Abu Mazen, Arafat’s deputy and the signer of the Declaration of Principles in the name of the PLO. He explained that the intifada would go on as long as the occupation existed. Hani al-Hassan, a close colleague of Arafat and one of the prominent personages in the PLO, declared that the organization would not give up the struggle against Israel before the occupation ended, and Yasser Abd Rabbo categorically denied that “the mutual recognition document between Israel and the PLO

⁴⁴ See Articles 8, 9, 18 in the Gaza and Jericho Agreement & Articles 12-16 in the Interim Agreement, *ibid.*, pp. 333-334, 336, 356-359.

⁴⁵ Interviews with Arafat in *al-Musawwar*, Cairo, September 10, 1993; the TV5 television network in Paris, September 19, 1993.

⁴⁶ *Maariv*, September 23, 1993.

contains any Palestinian pledge to stop violence.”⁴⁷ Since according to the Declaration of Principles the Israeli withdrawal from the territories was supposed to be implemented over a number of years, these declarations amounted to a carte blanche for terrorist attacks over a long period of time in flagrant violation of the accord.

- 52. Asked to condemn the terrorist attack by Hamas at the beginning of October 1993, in which some 30 Israelis were wounded, Arafat demonstrated extreme unwillingness. He said, “Have I asked Rabin to uproot the opposition on his side? If you respect their opposition to him, I also respect the opposition on my side”⁴⁸ – utterly ignoring the fact that the opposition to the agreement within Israel was expressed in terms of political protest and not in the systematic and organized murder of innocent civilians. In the following month, heavy pressure by Clinton and Rabin forced Arafat to reluctantly condemn the murder of an Israeli civilian by members of **Fatah**, the principal faction of the PLO and Arafat’s own organization.⁴⁹ Yet a few days later, after an additional murder of an Israeli civilian, a **Fatah** brochure in Ramallah called for the continued killing of settlers. Hanan Ashrawi stated in this regard: “This is the true reaction of the Palestinian people who began suspecting Israel’s intentions and credibility.”⁵⁰
- 53. At their first important meeting in Cairo, in October 1993, Rabin found Arafat totally indifferent to the PLO’s security commitments. According to the Declaration of Principles, Israel was supposed to retain, following the withdrawal from Gaza and Jericho, the responsibility for external security, including control of the border crossing points with Egypt and Jordan in order to prevent the smuggling of weapons and hostile infiltration. At the meeting, however, Arafat told Rabin that the Palestinians would be responsible for those borders and would place their own soldiers there.⁵¹
- 54. If we are to judge by Arafat’s behavior following his arrival in the territories, his demand to be given control of the borders of his autonomous entity was not intended to prevent the smuggling of weapons into the territories, but rather, to ascertain that the arms would flow in unchecked. On the day of his triumphant entry into Gaza, in July 1994, he brought with him, hidden in the trunk of his car, Mamduh Nawfal, who had planned the 1974 massacre in Maalot in which 27 children were murdered. Three years later, in the course of a visit to Hebron after the Israel Defense Forces had evacuated parts of the city in January 1997, ammunition boxes were found in Arafat’s personal helicopter. Moreover, his security guards were armed with an improved model of Kalashnikov assault rifles, which had been smuggled in from Egypt in violation of the Oslo Accords.⁵²

⁴⁷ *Jordanian Television in Arabic*, September 24, 1993; *Al Hamishmar*, September 19, 26, 1993.

⁴⁸ *New York Times*, October 5, 1993.

⁴⁹ *Jerusalem Post* and *Maariv*, November 14, 1994.

⁵⁰ *Maariv*, November 18, 1994.

⁵¹ Connie Bruck, “The Wounds of Peace”, *New Yorker*, October 14, 1996, p. 74.

⁵² *Ibid.*, p. 76; Danny Naveh, *State Secrets* [Hebrew] (Tel Aviv: Yedioth Achronoth Press, 1999), p. 139.

55. Not only did Arafat do nothing to halt Palestinian terrorism in the territories under his control; terrorism spiraled to new, unprecedented heights following the establishment of the PA in mid-May 1994. In the two years between that time and the elections in Israel in May 1996, 161 Israelis were murdered in terrorist attacks, compared with 116 in the 24 previous months. Approximately three-quarters of those victims were killed in Israeli territory inside the “Green Line” – almost triple the number of fatalities in Israel during the previous period. Prior to the start of the terrorist offensive against Israel in September 2000, the number of people killed by terrorism in each of the years between 1994 and 1996 was the highest since the territories were first occupied during the 1967 Six-Day War: 74 people were killed in 1994, 51 in 1995 and 68 in 1996.⁵³

56. What became the standard pretext for Palestinian inaction was Arafat’s argument that he needed additional time to enlist public support before he could take more dynamic measures. Meanwhile, the PA and the PLO courted the Hamas leadership and did nothing to stop the terrorist attacks by that organization – not to mention disarming it as required by the Oslo Accords; they did not even issue an unequivocal and definitive condemnation of the Hamas atrocities. Instead of making efforts to pursue and capture the terrorists as he had promised the Israelis, Arafat encouraged them to seek asylum in Sudan, a stronghold of Islamist extremism, whenever Israel pressured him to eradicate the terrorists.⁵⁴ Simultaneously, Arafat and other senior PLO/PA officials emphasized the need for “national unity” while making their best efforts to free Hamas activists from Israeli prisons, including the organization’s founding leader, Sheik Ahmad Yassin.

57. In December 1995, the PLO reached an agreement with Hamas, designed to facilitate the upcoming Israeli withdrawal from the densely populated areas of the West Bank – but not even this development suspended terrorist activity in favor of the diplomatic solution. The agreement permitted Hamas to uphold its commitment to continue the “armed struggle” against Israel, but obligated it to “avoid embarrassing the Authority” by not launching terrorist attacks from Area A, the territories under the PA’s full control. In exchange, the PLO, which did not consider itself responsible for regions outside that area, undertook to refrain from taking measures against Hamas, to release Hamas activists in its prisons, and to demand that Israel release incarcerated Hamas members and especially Sheik Yassin.⁵⁵

58. In these circumstances, Hamas felt free to continue its terrorist attacks. In April 1994, eight people were murdered in a bus in the Israeli town of Afula, thus introducing suicide bombings into the Israeli-Palestinian relationship. Arafat, who was asked to comment,

⁵³ “The PLO’s and the Palestinian Authority’s Compliance with their Obligations to Prevent Terrorism during the Authority’s First Two Years”, *Jerusalem, Peace Watch*, 1996, pp. 17-20.

⁵⁴ *Jerusalem Report*, April 4, 1996, p. 6.

⁵⁵ *Al-Quds*, December 22, 1995; Yigal Carmon, “So Now We All Know”, *Jerusalem Post*, January 5, 1996.

refused to condemn the terrorist attack.⁵⁶ Similarly, he showed indifference to Rabin's demand, following the murder of 21 Israelis by a suicide bomber on a bus in Tel Aviv in October 1994, to fight harder against terrorism. On January 22, 1995, after 19 Israelis were murdered in another suicide bombing at the Beit Lid Junction, thousands of Palestinians took to the streets of Gaza to celebrate the massacre. Hamas members, PLO activists and members of the PA police fired shots into the air to express their joy. Arafat himself praised the terrorist attack to a cheering crowd. When this was discovered in Israel, Marwan Kanfani, Arafat's spokesperson, hurriedly denied that the *ra'is* had said that "we are all suicide bombers," and explained that Arafat had "merely" said, "We are all *shahid* martyrs."⁵⁷ In any event, it should again be noted that the term *shahid* is intended as a sign of appreciation for those killed in the "struggle" against Israel and as encouragement for others to continue the "struggle". It should further be emphasized that in light of the circumstances, context and timing of his statement, it is obvious that Arafat's intention was to praise the Beit Lid terrorist attack and its perpetrators (two suicide bombers from the Palestinian Islamic Jihad organization) – and it is no less obvious that this is how his statement was interpreted by the Palestinians. Such a message, when uttered by the Chairman of the PA and the PLO, undoubtedly constitutes a message of encouragement for the perpetration of acts of indiscriminate violence and terrorism against Israelis and Jews.

59. In the following months, Rabin and Peres met with Arafat several times in an effort to persuade him that there would be no interim agreement unless the performance of the Palestinian "**security organizations**" improved significantly –to no avail. As early as May 10, 1994, less than a week after the signing of the Gaza and Jericho Agreement, in a closed meeting Arafat called upon South African Muslim leaders to support the Palestinian struggle until the achievement of the final victory, telling them: "The jihad will continue and Jerusalem is not for the Palestinian people alone. It is for the entire Muslim *umma* [world community]. You are responsible for Palestine and Jerusalem before me... No, it is not their capital, it is our capital."⁵⁸
60. Senior PLO and PA officials expressed themselves in no less frank terms. In a speech at Bir Zeit University on October 23, 1993, only a month after the signing of the Declaration of Principles, Faisal Husseini told his audience, "Everything you see and hear today is for tactical and strategic reasons. We have not given up the rifle. We still have armed groups in the areas and if we do not get our state we will take them out of the closet and fight again."⁵⁹ Two years later, Husseini repeated the same threat, and warned that, "should

⁵⁶ Zeev Binyamin Begin, *Sad Story* [Hebrew] (Tel Aviv: Yedioth Ahronoth Press, 2000), p. 81.

⁵⁷ *Haaretz*, January 25, 1995.

⁵⁸ *Jerusalem Post*, May 18, 1994; *Time*, May 30, 1994, p. 32.

⁵⁹ *Maariv*, November 24, 1993.

Israel continue to undermine the road to peace, we will have no alternative but to adopt the road advocated by the Palestinian opposition, namely the military option.”⁶⁰

61. Nabil Shaath, another supposed moderate and supporter of the Oslo process, similarly threatened to return to the “armed struggle” whenever Israel would not be sufficiently responsive to the Palestinian demands. “If the negotiations reach a dead end, we shall go back to the struggle and strife, as we did for 40 years,” he stated at a symposium in Nablus on January 15, 1996, adding:

As long as Israel goes forward [with the process – E.K.], there are no problems, which is why we observe the agreements of peace and non-violence. But if and when Israel will say, ‘That’s it, we won’t talk about Jerusalem, we won’t return refugees, we won’t dismantle settlements, and we won’t retreat from borders,’ then all the acts of violence will return.

Except that this time we’ll have 30,000 armed Palestinian soldiers who will operate in areas in which we have unprecedented elements of freedom.⁶¹

62. Such declarations, coming as they did in the wake of a wave of suicide bombings in which 58 Israelis were murdered in one week, attest to the long-range intentions and the insincerity of the PA and PLO leaders vis-à-vis the diplomatic process and their own undertakings to fight terrorism and dismantle the terrorist infrastructure. Moreover, all this happened at a time when Israel was led by a distinctly dovish government, which the Palestinians could hardly accuse of being a “peace refuser”.

63. Even the mass arrests of Hamas activists, pursuant to those terrorist attacks – the greatest anti-terrorist effort in the PA’s history, which led to a total suspension of the murderous attacks until after the 1996 elections – were nothing more than a mere show. On March 11, 1996, at the height of the clampdown, the Palestinian press reported that Arafat decided to grant an exemption from new construction taxes to Palestinians whose homes had been demolished by the Israel Defense Forces.⁶² The houses demolished during that period of time were only the homes of suicide bombers or Hamas and Islamic Jihad terrorists; in other words, Arafat’s move clearly spoke for itself and conveyed a clear message to the Palestinians with respect to the PLO’s and the PA’s unwavering support for terrorism.

64. The rise of a new government in Israel, which declared its insistence on reciprocity in the implementation of the Oslo Accords, proved to be a thorn in Arafat’s side. After nearly three years of ongoing Israeli tolerance of breaches of their undertakings, the PA and the PLO were asked to pay for what they had previously received free of charge. Since the PA and the PLO (and Arafat personally) viewed the Oslo Accords as the first step on the road

⁶⁰ *AFP*, May 1, 1995.

⁶¹ *Jerusalem Post*, March 15, 1996.

⁶² *Al-Ayam*, March 11, 1996.

to Israel's destruction rather than to its peaceful existence, they had no intention of starting to honor their contractual undertakings. Accordingly, the Palestinian leadership (and specifically Arafat) concluded that it would be necessary to "prompt" the new government to continue to make concessions to the Palestinians (including the cession of further territories to the PA) with no *quid pro quo* – even if such "prompting" called for the use of terrorism or other forms of physical coercion.

65. The Palestinians began to threaten violence a few days after the Israeli elections and long before the formation of the new government. On June 2, 1996, Hassan Asfour, one of the Oslo negotiators said, "A return to square one will mean a return to the climate of war, intifada and resistance. If their choice is conflict, we will not remain passive onlookers. We are not so weak that someone can delude himself into attempting to impose his policies on us."⁶³
66. The newly elected Prime Minister, Binyamin Netanyahu, instructed his political advisor, Dore Gold, to inform Abu Mazen that Israel was totally committed to the peace process. Nonetheless, Asfour's latent threat was followed by quite a number of moves on the ground which indicated Palestinian preparations for armed conflict. On June 11, 1996, one week before Netanyahu finished forming his government, the **Fatah** Central Committee set up an emergency team with 12 members, headed by Arafat, intended to "revitalize the movement's activities and find ways and means to rearrange the internal situation." The heads of the "**security organizations**" in the PA warned Netanyahu that they would suspend their war against Hamas if he did not change his position within a few weeks, and the **Fatah** youth organization (**Shabiba**), according to various reports, came to an agreement with Hamas with respect to coordinated attacks on settlers. Arafat himself visited the prison in Nablus in mid-June, where a senior Hamas activist was incarcerated. He gave an order to release the activist and went with him to Friday prayers at a mosque in downtown Nablus. In the beginning of July 1996, approximately 700 terrorists were released from Palestinian prisons.⁶⁴
67. At this stage, there were already many members of the Palestinian leadership, including Abu Mazen, Abu Ala, Nabil Shaath and Yasser Abd Rabbo, who had threatened to rekindle the intifada and the violence. The Mufti of Jerusalem, Ikrima Sabri – who, as noted above, had been appointed by the PA and was one of its most senior employees – went even further and called upon the Palestinians to do so at once.⁶⁵ On July 28, 1996, Arafat uttered his strongest expression of support for the continuation of terrorist attacks, including suicide bombings, since the May elections. In a public speech in Gaza, on the 25th

⁶³ *ARD television network*, Munich, May 31, 1996; *al-Ayam*, June 3, 1996.

⁶⁴ *Voice of Palestine* (PLO Radio), June 11, 13, 1996; *Yedioth Ahronoth*, June 16, 1996.

⁶⁵ *Voice of Israel* Radio, June 13, July 4, 1996; *Israel Television*, Channel 1, June 18, 1996; *Jerusalem Post*, June 14, 1996.

anniversary of the “martyrdom” of two **Fatah** commanders, he heaped praises on “those pious martyrs who fell on the road to Jerusalem,” and extolled Yahya Ayyash (also known as “The Engineer”), Hamas’s arch terrorist assassinated by Israel in January 1996, as “the last *shahid* martyr.” “We follow those martyrs, we follow them to Jerusalem,” said Arafat, adding: “I tell my brother martyrs: Everything is cheap for the sake of Jerusalem.”⁶⁶

- 68. In the following month, Arafat exploited a highly publicized visit to the Balata refugee camp in Nablus to send a sharp message to Netanyahu, with whom he was slated to meet a week later. Arafat said that “I am saying this to Israel. Should you fail to respect signed agreements, our people will have no other alternative [but violence – E.K.].” In a special message to the young people in his audience, Arafat went on to say: “Israel may have aircraft, but we have Palestinian kids... With their spirit and their blood our future generations will continue the march [to Jerusalem – E.K.], until the Palestinian flag is hoisted above its walls.”⁶⁷
- 69. Against that backdrop, it is hardly surprising that the first Netanyahu-Arafat meeting (on September 4, 1996) was a “dialogue of the deaf”. The Israeli Prime Minister did not manage to convince his counterpart that peace meant a give-and-take relationship rather than a relationship in which only one party went on giving. A few days after the meeting, Arafat reportedly instructed the commanders of the various Palestinian organizations, and especially the heads of the Tanzim, to prepare for a clash with Israel. He further instructed the Intifada Committee of the PLO to revive the research study on the intensification of the struggle against Israel, which had been prepared in the summer of 1991 and had subsequently been shelved.⁶⁸
- 70. Much more importantly: Arafat exploited the opening of a new exit to an archaeological tunnel under the Western Wall to stir a wave of violence.⁶⁹ The tunnel, which was dug in Hasmonean times, was neither historically nor geographically related to the mosques on the Temple Mount. It is located hundreds of meters away from those religious sites, and tens of thousands of tourists had gone through it since it opened in the late 1980s, with no harm whatsoever to the mosques. The opening of the new exit merely enabled tourists to pass through the tunnel continuously, and was intended to increase the number of visits to the site and thereby to be of benefit to the local Palestinian merchants.
- 71. Moreover, the opening of the tunnel exit took place within the context of a previous Israeli-Palestinian deal. The heads of the *waqf* had already been exerting pressure for some time to be given space to pray in Solomon’s Stables, a subterranean hall on the Temple Mount,

⁶⁶ *Al-Hayat al-Jadida*, July 28, 1996.

⁶⁷ *Voice of Palestine* (PLO Radio), August 30, 1996; *Jerusalem Post*, September 1, 1996.

⁶⁸ *Al-Ahadath*, Amman, September 9, 1996.

⁶⁹ *Voice of Palestine* (PLO Radio), September 24, 1996.

believed to have been erected at the initiative of King Herod during the reconstruction of the Temple. An agreement reached in January 1996 determined that the Muslims would use a defined space for prayer and the Israelis would be able to open a northern entrance to the Western Wall tunnel. In accordance with this deal, the Muslims began to pray in Solomon's Stables during the fast days of Ramadan (and even carried out significant renovations there, in contravention of the agreement). However, when Israel wished to open the tunnel, the PLO repudiated the agreement and called upon its constituents to riot.⁷⁰

72. On September 24, 1996, Arafat addressed a group of soldiers and policemen in Gaza and urged them to go out and fight against Israel. "The Believers shall inherit paradise. They shall fight for Allah and shall kill and be killed," Arafat quoted a Koranic verse, adding:

Our Palestinian people will not stand idly by when their holy sites are being violated... Oh, our pure martyrs. Rest in peace, calm and assured. Our blood is cheap for the sake of the gold that had united us in the past... With Allah's will we shall meet again soon in the upper heaven.⁷¹

73. Arafat's inflammatory speech was broadcast that same day over the media channels controlled by the PA. So was a joint statement by the various Palestinian leadership entities – the PA, the Executive Committee of the PLO, and the Legislative Council – which urged the population to "move immediately and effectively to face this criminal scheme. We appeal to them all to shoulder their religious and national responsibilities in the serious circumstances and to confront these painful incidents and tragic dangers facing holy Jerusalem."⁷²

74. This official incitement brought masses of Palestinians out into the streets, but it did not produce the "tens of *shahid* martyrs" as Arafat had wished. Expecting mass rioting, the Israel Police made vast efforts to pacify the atmosphere; accordingly, there were no casualties on the first day of the riots.⁷³ Militant students were thus bussed to the checkpoint outside Ramallah and to the Netzarim Junction, south of Gaza, where they joined thousands of rioters attacking the soldiers with stones and Molotov cocktails. As a further inflammatory measure, the PA's Ministry of Information issued a statement protesting the "bloody massacre" ostensibly perpetrated by the Israeli forces "against participants in the peaceful marches that overwhelmed all Palestinian cities and villages in protest of Israeli measures against Islamic and Christian holy shrines in the city of Jerusalem."

⁷⁰ Andrea Levin, "The Media's Tunnel Vision", *Middle East Quarterly* (December 1996), pp. 3, 5-6.

⁷¹ *Palestinian Television* (PA), September 24, 1996.

⁷² *Voice of Palestine* (PLO Radio), September 24, 1996.

⁷³ *Voice of Israel* Radio, September 24, 1996; "Reconstruction of the Events of Late September 1996 in the West Bank and the Gaza Strip", Ramallah, *al-Haq*, West Bank Affiliate, 1996, p. 2.

75. In fact, only one Palestinian policeman was killed in the clashes. A short time later, however, Palestinian police – aided by snipers with telescopic sights, who had been posted to strategic sites as an advance measure – opened fire on their Israeli counterparts. By the end of the fighting, on September 27, 15 Israelis and 58 Palestinians had been killed. Hundreds were wounded⁷⁴ (the tally was later amended to 17 Israelis and some 80 Palestinians).

76. As far as Arafat was concerned, this was not a high price. Just as the extensive terrorist activity conducted under his baton in the 1970s had brought him increasing international recognition instead of condemnation and ostracism, the new surge of organized violence paid handsome dividends. The international media willingly accepted the Palestinian misrepresentation of the crisis and transformed the aggressor into the victim and the victim into the aggressor.⁷⁵ The United Nations Security Council passed a special resolution censuring Israel's behavior; the U.S. administration did not veto that resolution and demanded that Israel make gestures to the Palestinians, primarily the closure of the tunnel.

77. Just as importantly, the “Tunnel War” enabled Arafat to rehabilitate his steadily deteriorating status among his subjects. During the previous months, mutterings of discontent with the oppressive and corrupt PA administration had spread throughout the territories; in August 1996, bloody riots broke out in Nablus and Tulkarm after Palestinian police had tortured two religious militants to death. The shaken Arafat ordered the immediate release of dozens of Hamas activists from prison and a summary trial and long sentences for three policemen; in addition, he conferred the title of *shahid* on one of the militants shot to death by the Palestinian police.⁷⁶ Now that he was ostensibly spearheading the campaign to protect Islam’s third holiest site from “Jewish machinations,” frantically liaising with Arab and Muslim leaders throughout the world, and urging the Security Council to censure Israel, all of his domestic challenges were all but forgotten.

78. An additional significant achievement chalked up by the PA and the PLO was their success in cornering the Israeli government in both the domestic and international arenas. Many people, in Israel and throughout the world, did not understand the true reasons for the flare-up and came to the conclusion that the new Israeli government was a dangerous mixture of ideological dogmatism and political incompetence, bluster and insecurity.

⁷⁴ *Voice of Palestine* (PLO Radio), September 25, 1996; *Radio Monte Carlo in Arabic*, September 25, 1996; *Voice of Israel* Radio, September 25, 1996; *Voice of Palestine* (PLO Radio), September 28, 1996; Ehud Ya’ari, “Take Arafat at His Violent Word,” *Jerusalem Report*, November 28, 1996; Graham Usher in *Middle East International*, October 4, 1996; *Voice of Palestine*, September 25, 1996, 1350 GMT; *Radio Monte Carlo in Arabic*, September 25, 1996, 1500 GMT; *Voice of Israel*, September 25, 1996, 1400 GMT; *Voice of Palestine*, September 28, 1996.

⁷⁵ Levin, “The Media’s Tunnel Vision”.

⁷⁶ *Voice of Palestine* (PLO Radio), August 3, 5, 1996; *AKP*, August 3, 4, 1996.

79. The “Tunnel War” constituted an important precedent that would repeat itself whenever the need arose. The more important the disputed issue of the moment, the fiercer the Palestinian violence would be. The tunnel was only a convenient pretext which could be ignored when it was no longer useful. The new exit to the tunnel has remained open since September 1996, and has been enjoyed by tourists and local merchants alike; as for the PA, the entire matter is no longer on its agenda.

80. On October 10, 1996 – one week after his return from a summit with the Israeli Prime Minister in Washington, where both parties had agreed to resume the bilateral talks, and only two days after his broadcast of a calming message to the Israeli public from the residence of Israeli President Ezer Weizman (with whom he had met at the latter’s invitation) – Arafat made a militant speech at a session of the Palestinian Legislative Council in which he ordered the members of the Council to prepare themselves for even harder tests in the future. In a speech at the Deheisheh refugee camp near Bethlehem on October 21, 1996, Arafat was much more specific: “We know one word only. Jihad, Jihad, Jihad. Oslo I and Oslo II [Accords – E.K.] are agreed to as long as they lead to a Palestinian state, and in addition to that, all options are open.” Four days later, when the Israeli security forces had issued a public warning against a possible suicide bombing, Arafat told an audience in Gaza: “Let us pray to Allah that He shall grant us martyrdom.”⁷⁷ It should be emphasized that in light of the circumstances, context and timing of his statement, it is clear that Arafat’s call to “pray” for Allah to give “martyrdom” to the Palestinians referred to the perpetrators of terrorist attacks, and even more specifically, to suicide bombers – and it is no less obvious that this is how his statement was interpreted by the Palestinians. It should further be emphasized that such messages, when uttered by PA and the PLO officials, undoubtedly encourage the perpetration of acts of indiscriminate violence and terrorism against Israelis and Jews. This particular threat was exceptionally grave given that it was made by the Chairman of the PA and the PLO himself, and accordingly constituted a definitively **official** message.

81. A few months later, on the night of March 9, 1997, Arafat took a significant step in this direction by meeting in his office with Hamas leaders, something he had not done for a long time. On that occasion, he apparently gave them a “green light” to resume the terrorist attacks against Israel. Within a short time thereafter, dozens of Hamas terrorists were released from the PA prisons, and the “**security organizations**” were ordered to suspend their cooperation with Israel. The results were almost immediate. On March 21, a suicide bomber blew himself up in the Apropo Cafe in Tel Aviv, the first attack of this type in a year, murdering three people and wounding 48. This did not deter Arafat from setting off on an eight-day tour of the Arab world and South Asia (including his first visit in eight years to Iran, the patron of Hamas and the Islamic Jihad). Marwan Barghouti, head of

⁷⁷ Ya’ari, “Take Arafat at his Violent Word”.

Tanzim – the **Fatah** militia – took advantage of a session of the Legislative Council to express his condolences to the family of the “*shahid* from Tel Aviv,” to the thunderous applause of his fellow Council members.⁷⁸

- 82. On July 30, 1997, 16 Israelis were murdered and 178 wounded in two suicide bombings, one after the other, in the Mahane Yehuda market in Jerusalem. A month later, five people were murdered and 181 wounded in three simultaneous explosions in the Ben Yehuda pedestrian mall in Jerusalem. According to Maj. Gen. Moshe Yaalon, then head of the Israel Defense Forces Intelligence Corps, there was no evidence that Arafat had personally approved those specific terrorist attacks; nonetheless, his obvious failure to fight and implicit encouragement of terrorism had appeared to the Palestinian public as permission to act. In mid-July, three Palestinian policemen were arrested on their way to launch an attack against an Israeli settlement in Samaria. In the course of their interrogation, they disclosed the existence of several additional terrorist organizations within the “**Palestinian police**” and pointed fingers at senior security officials, including Ghazi Jabali, head of police in the Gaza Strip. Jibril Rajoub, head of the “**Preventive Security Service**” in the West Bank, was apprehended while smuggling prohibited weapons in his private car, and several of his subordinates were caught while transporting Hamas terrorists in their official vehicles.⁷⁹
- 83. Meanwhile, the PA and the PLO continued to appease Hamas. Quite a few terrorists who had been let out of the PA prisons following the January 1997 Hebron agreement, including senior commanders who had planned mass suicide bombings, remained free and active, and the terrorist infrastructure of the organization continued to develop. At a two-day conference on the subject of national unity in late August 1997, attended by various “opposition” groups, Arafat gave a friendly hug to Hamas’ senior leader Abdel Aziz Rantisi, and Jibril Rajoub expressed his sympathy for the struggle which was being conducted by Hamas and the Islamic Jihad against Israel. Gaza security chief Muhammad Dahlan proudly stated that his “**Preventive Security Service**” organization was sheltering many Hamas activists who were on Israel’s wanted list.⁸⁰
- 84. By now the Israeli security forces had incontrovertible evidence that **Fatah** was making a sustained effort to set the territories ablaze under direct orders from Arafat. Their primary targets were Hebron and Nablus, which they hoped to turn into the flashpoint of a general conflagration not unlike the tunnel war. (This replicated earlier violence in March 1997 when **Fatah** and Rajoub’s men incited rioters to such an extent that Palestinian policemen, who were unaware of this connection, found themselves fighting against Rajoub’s own security personnel.) At a meeting with the governor and the mayor of Nablus in July, Arafat complained that there were no demonstrations or rioting in the city as in Hebron. When told that the public was not at all motivated in this direction, he ordered the formation of special

⁷⁸ *Yedioth Ahronoth*, March 23, 1997; *al-Hayat al-Jadida*, March 27, 1997; *al-Sharq al-Awsat*, London, March 25, 1997; *Haaretz*, March 25 and April 1, 1997; *Israel Television, Channel 1*, March 23, 1997; Peter Hirschberg, “Can Arafat Switch Off Terror?” *Jerusalem Report*, April 17, 1997, pp. 12-14.

⁷⁹ *Haaretz*, July 18, September 8, 24, November 11, 16, 1997.

⁸⁰ *al-Alim*, August 30, 1997, p. 18; *Jerusalem Post*, August 21, 1997; *Financial Times*, August 29, 1997; *Haaretz*, September 2, 7, 1997; “A Poorer Peace,” *Newsweek*, September 1, 1997, p. 28.

squads composed of Palestinian policemen that would open fire on Israeli targets without causing fatalities.⁸¹

85. In an especially militant speech which in Gaza, on August 5, 1997 (less than one week after the lethal terrorist attacks in Jerusalem), Arafat openly instructed **Fatah** leaders to prepare for war against Israel. Arafat said: “In 1974 this movement received the banner of the revolution from the Vietnamese revolution,” and added: “We have a bigger battle ahead of us than anything that came before” and “We are all living martyrs ready to renew our commitment to the path of the armed struggle on which we embarked many years ago.” Faisal Husseini, speaking in the same spirit, warned that “war needs only one party to start it” and that the Palestinians would not be able to restrain themselves until the Government of Israel completed its term in office because “every day Netanyahu does something new.”⁸²

D. The PA and the PLO, headed by Arafat, are responsible for the terrorist offensive against Israel

- 86. The Palestinian explanations of the origin of the conflict vary in accordance with the target audience. To domestic and Arab audiences, the conflict is described as a premeditated Israeli attack – the most recent link in the long chain of unprovoked atrocities aimed at perpetuating the occupation of Arab and Palestinian lands. To Western audiences, likely to show skepticism vis-à-vis the PA and the PLO following the failure of the July 2000 summit, the terrorist offensive is described as a “spontaneous” explosion of rage sparked by Ariel Sharon’s visit to the Temple Mount on September 28, 2000.
- 87. In actual fact, Sharon’s visit came as no surprise at all to the Palestinians – if only because it was carried out pursuant to precise coordination with the PLO. According to Shlomo Ben Ami, then Israel’s Minister of Internal Security, Jibril Rajoub had personally promised his Israeli counterpart that the visit would not cause any problems provided that Sharon did not enter the mosques. Sometime later, Rajoub claimed that the riots began when Sharon attempted to enter the Dome of the Rock, but changed his mind. In fact, Sharon did not make any attempt to enter a mosque, and he had absolutely no reason to do so. He maintained scrupulous compliance with the arrangements which had been agreed upon with the Palestinians.⁸³
- 88. Furthermore, notwithstanding the violent incitement by the Palestinian media and despite the clear calls by **Fatah** and Hamas leaders and senior *waqf* officials for mass

⁸¹ *Yediot Aharonot*, July 13, 1997; *AFP*, July 19, 1997; *Israel Television Channel 1*, March 23, 1997; *Maariv Weekly Magazine*, August 8, 1997.

⁸² *Al-Hayat al-Jadida*, August 6, 1997; *al-Ittihad* (Abu Dhabi), May 18, 1997.

⁸³ *Jerusalem Post*, October 4, 2002; *Maariv*, October 6, 2002; Gilad Sher, *Close Enough to Touch* [Hebrew] (Tel Aviv: Yedioth Ahronoth Press, 2001), p. 287.

demonstrations against the intention “to desecrate al-Haram al-Sharif,”⁸⁴ the number of Palestinians who turned up on the Temple Mount was much smaller than expected. On the ground, minor clashes broke out between the Israeli policeman and young Palestinians throwing stones; these, however, were limited in scope and intensity. In the end, three Israeli policemen sustained minor wounds and a few Palestinians were wounded. Not one Palestinian was killed.⁸⁵ Severe violence – which was not at all spontaneous in nature – did not break out until the following day.

- 89. This popular indifference to the PA and PLO incitement is not difficult to understand. The revival of violence was an unwelcome development to ordinary Palestinians in the midst of a healthy recovery after several years of a deep economic crisis. Between 1994 and 1996, the Rabin and Peres governments had imposed repeated closures on the territories in order to stem the tidal wave of terrorism in the wake of the Oslo accords. This led to a steep drop in the Palestinian economy. With workers unable to get into Israel, unemployment rose sharply, reaching as high as 50 percent in Gaza. The movement of goods between Israel and the territories, as well as between the West Bank and Gaza, was seriously disrupted, slowing exports and discouraging potential private investment. The economic situation in the territories began to improve during the Netanyahu government, as the steep fall in terrorist attacks led to a corresponding decrease in closures. Real GNP per capita grew by 3.5 percent in 1997, 7.7 percent in 1998, and 3.5 percent in 1999, while unemployment was more than halved. By the beginning of 1999, according to the World Bank, the West Bank and Gaza had fully recovered from the economic decline of the previous years and their position continued to improve well into the summer of 2000. GDP grew by 6.1 percent during the first half of 2000, and job creation in the territories continued to increase significantly, both in the public and private sectors. Economic activity was particularly vibrant along the West Bank “fault line” in the Sharon and the Lower Galilee, where Israelis continued to frequent Palestinian towns and villages by the thousands for shopping and services, one of the many unspoken dividends of peace.
- 90. A burgeoning economy explains the lack of appetite for confrontation with Israel following the Camp David summit of July 2000, and later, the initial mild response to Sharon’s visit. Upon Arafat’s return from the summit, Tanzim barely managed to muster some two hundred youths in Ramallah for what was supposed to be a “mass welcome for the returning Saladin.” Likewise, the attempt to organize a commercial strike in East Jerusalem in protest against Barak’s positions ended up in embarrassing failure. The frenzied reception in Gaza only involved a tiny fraction of the one-million-strong population and necessitated careful orchestration by **Fatah**. Palestinian officials were thus forced to concede that the vast majority of the East Jerusalem’s Arab population preferred the continuation of Israeli rule to Palestinian sovereignty. So much so that Faisal Husseini, holder of the Jerusalem file at the PA, urgently summoned journalists from the main three Palestinian dailies to put out several messages to East Jerusalem’s Arab residents. Don’t

⁸⁴ *Al-Ayam*, September 27, 2000.

⁸⁵ *Jerusalem Post* and *Maariv*, September 29, 2000; *Economist*, October 7, 2000, p. 61.

worry about losing Israeli National Insurance rights in the event of a change of sovereignty, Don't worry about losing your freedom of movement in the west of the city or the rest of Israel. Don't be concerned about forfeiting Israeli salaries for the significantly lower wage scales of the Palestinian Authority. Husseini, who was not at Camp David himself, promised that the proper solutions would be found for all these issues in the event of an agreement.⁸⁶

91. When Arafat heard of the weak response to Sharon's visit (at the time of the visit, there were dozens of Palestinian security personnel on the Temple Mount, including members of Force 17, Arafat's personal guard),⁸⁷ he exploited the Friday prayers, a traditional source of incitement against the Jews, as the springboard for his new war. In an especially militant sermon, the preacher at the al-Aqsa mosque urged believers to "eradicate the Jews from Palestine," and asked his audience a rhetorical question: "Should we respond [to Sharon's visit – E.K.] only by throwing rocks, or [only – E.K.] by condemnation?" The frenzied worshipers began to stone the Israeli policemen on the mount, using rocks which had been stored in advance. Under a heavy barrage of stones, the policeman opened fire, thus giving Arafat the "shahid martyrs" he had wanted. Meanwhile, **Palestinian Television** (the official television station of the PA, which is completely controlled by the heads of the PA and the PLO) began to screen archive films of the first intifada (which had taken place in the late 1980s and early 1990s), and "**Voice of Palestine**" (the official radio station of the PA, which is completely controlled by the heads of the PA and the PLO) played war songs which called upon the Palestinians to arise and take to the streets.⁸⁸
92. Before the prayers, Arafat gave direct orders to senior **Fatah** leaders, Marwan Barghouti and Hussein al-Sheikh, to arm their men with stones, and subsequently with rifles, in order to fire on positions held by Israel Defense Forces troops, settlements, and vehicles on main roads.⁸⁹ There was no need for any incentives. Tanzim was highly experienced at initiating violence, and its commanders, especially Barghouti, were spoiling for a fight. Members of that organization had played a prominent role in the "Tunnel War" of September 1996, as well as in the violent clashes of May 2000, which commemorated the 52nd anniversary of the *nakba* – the term by which the Palestinians refer to their defeat in 1948.⁹⁰ With Arafat's approval, many Tanzim activists now set out to confront Israel Defense Forces troops with stones and Molotov cocktails; dozens of others, along with Palestinian policemen, were involved in shoot-outs with the Israel Defense Forces. The Israeli efforts to reach a

⁸⁶ Ehud Ya'ari, "Buying Time," *Jerusalem Report*, August 28, 2000, p. 28; Lee Hockstader, "Some Arabs Prefer an Israeli-Run Jerusalem," *Washington Post*, July 25, 2000; John F. Burns, "Hero's Welcome for Arafat, From Those Who Showed Up," *New York Times*, July 27, 2000.

⁸⁷ *Voice of Israel* Radio, September 29, 2000.

⁸⁸ Lee Hockstader, "Street Army Spearheads Arab Riots", *Washington Post*, October 7-9, 2000.

⁸⁹ Ehud Ya'ari, "Super-Intifada", *Jerusalem Report*, October 23, 2000, p. 19; Khaled Abu Toameh, "Militia King", *Jerusalem Report*, November 6, 2000, p. 23.

⁹⁰ For example, *Yedioth Ahronoth*, May 14, 15, 16, 18, 19, 21, 2000.

ceasefire ran into Arafat's "double-speak": on one hand, he personally promised Prime Minister Barak that he would do his utmost to calm the situation – and, on the other, he simultaneously instructed his chain of command to kill as many Israelis as they could. He threatened Israel with continued war, but denied the very participation of his "**security organizations**" in the fighting.⁹¹

93. On Friday night, September 29, 2000, Barghouti summoned the Tanzim commanders to his office in al-Bireh, to evaluate the first day of the clashes and decide how they would be continued. A statement was later faxed to the **Fatah** offices throughout the West Bank, calling for a general uprising.⁹² A week later, at a meeting in Arafat's headquarters in Ramallah, the **Fatah** leadership adopted a war strategy based on a forecast of a protracted conflict, which would exhaust Israel, along the lines of the Lebanese model. The "overt" war was to be conducted under the watchful eye of the world media and to include mass clashes between Palestinian demonstrators and Israeli soldiers, in order to portray it as a popular uprising by an oppressed nation against a cruel conqueror. The "covert" war, which would become more and more prominent, would include armed attacks on Israeli targets throughout the territories – for example, civilian and military vehicles, Israeli settlements, and so forth. The Palestinian media would continue to arouse patriotic sentiments and to inculcate the willingness for self-sacrifice among the public in general and young people in particular.⁹³
94. Barghouti, yearning for battle, pressed to escalate the struggle and proposed to encourage Hamas personnel to carry out suicide bombings in the West Bank and the Gaza Strip.⁹⁴ Rajoub, who was usually more cautious, also mentioned the possibility of terrorist attacks in Israel itself. In an interview with the *al-Jazeera* television network the day after the start of the terrorist offensive, Rajoub stated: "I think that it will not be difficult to transfer the battle to their territory and their residential areas. We will study each step at the right time in the light of the circumstances which we think will serve our people."⁹⁵ Following this announcement, representatives of Hamas and the Islamic Jihad were incorporated into a new entity, the "**National and Islamic Forces**," established by the PA for the purpose of coordinating the terrorist offensive and comprising representatives of all of the prominent Palestinian terrorist organizations and factions. In addition, dozens of known Islamist terrorists were released from PA prisons, and the entire combination conveyed an ominous message of what lay ahead.⁹⁶

⁹¹ *Voice of Palestine*, September 30, 2002; *Maariv*, October 2, 2000; *Yedioth Ahronoth*, October 4, 2000.

⁹² Hockstader, "Street Army".

⁹³ Roni Shaked, "The Orders Came from the Office of the *Ra'is*" [Hebrew], *Yedioth Ahronoth*, weekend supplement, October 13, 2000.

⁹⁴ Interview with Marwan Barghouti in *La Repubblica*, Rome, as quoted in *Yedioth Ahronoth*, October 16, 2000.

⁹⁵ *Al-Jazeera*, Doha, October 1, 2000.

⁹⁶ Interview with Marwan Barghouti in *al-Musawwar*, November 10, 2000; *Yedioth Ahronoth*, October 11, 2000.

95. The cruel nature of the terrorist offensive against Israel was very much in line with the totality of the PA and PLO objectives. In contrast to their efforts to persuade world public opinion that the objectives of the confrontation were limited – the end of the Israeli “occupation” of the West Bank and Gaza – the Palestinian leadership and the media under its strict control worked hard to ensure that the Palestinians understood the final purpose of the war: the destruction of the Jewish state.

96. An incessant stream of policy declarations, press articles and electronic media broadcasts, which began during Camp David and intensified after the outbreak of the hostilities, encouraged – more precisely, incited – the Palestinians to sacrifice their lives for the sake of the “general good.” Israel was maligned on a daily basis and described as a mortal threat to the existence of the Palestinian people and the “Arab nation” as a whole. Broadcasts extolling Saladin, and containing violent footage of confrontations between Israel Defense Forces troops and Palestinian rioters, were shown every day on PA television in what was later described as a fateful struggle for existence between two communities which were incapable of coexisting. “Since Omar [the caliph who occupied Palestine in the year 638] and Saladin, we haven’t given up our original rights in Jerusalem and al-Aqsa, our Jerusalem, our Palestine” – ran a typical commentary on the official television station of the PA.

If time constitutes [the criteria of – E.K.] existence, then Israel’s temporary existence is only 52 years long, while we, the Palestinian Arabs, have lived here for thousands of years, and we, the indigenous population, will eventually expel the invaders, however long it will take.⁹⁷

97. In well-edited interviews with “ordinary people” following the failure of the Camp David talks, grassroots messages were screened throughout all hours of the day and night. Some were messages of inane praise: “We are telling Arafat: ‘You are the leader. Move forward until the liberation of Jerusalem and the whole of Palestine – from Ras Naqura to Rafah.’” Others were more explicit: “We want the liberation of all Palestinian territories – whether occupied in 1967 or in 1948... All the martyrs fell so that Palestine shall live and that the Palestinian people will be able to adhere to his [sic] land and his [sic] rights... We will fight until our last drop of blood for our country and homeland.”⁹⁸

98. Arafat worked unceasingly to imbue the residents of the West Bank and Gaza with the belief that concessions would threaten the very existence of the Palestinians. According to the draft constitution submitted to Arafat in July 2000, Palestine was reserved exclusively for the Palestinian people – “the deposit of the Palestinian people throughout its various

⁹⁷ *Palestinian Television* (PLO), October 2, 2000.

⁹⁸ *Ibid.*, July 26, 2000.

generations, and its national rights are the joint legacy of all Palestinians. They are obliged to preserve it, to pass it from one generation to another, and to defend it.”⁹⁹

99. **Fatah** senior ideologue, Sakhr Habash, took the trouble to explain the meaning of this specific condition. “Experience shows that without the establishment of a democratic state on the whole of Palestine there will be no peace,” he declared in a public speech on Arafat’s behalf, several months after the outbreak of hostilities, adding as follows:

We are going through stages of struggle that will enable us to drive Zionist society into ridding itself of Zionism since there can be no coexistence between Zionism and the Palestinian national movement. The Jews must rid themselves of Zionism, which has immersed them in a string of confrontations that do not serve their interest. Instead, they should be citizens of the future state: the democratic state of Palestine.¹⁰⁰

100. Not only did senior Palestinian officials (such as Habash) explain the objectives of the terrorist offensive and ongoing violence and the conditions for its suspension, thus admitting the responsibility of the PA and the PLO for what had been going on since the end of September 2000; they even explicitly admitted, on more than one occasion, the responsibility of the Palestinian leadership for the outbreak of the “al-Aqsa intifada.”

101. Thus, for example, Imad Faluji, the Minister of Post and Communications in the PA Government, said: “The outbreak of the intifada did not come as a surprise to the Palestinian leadership.” Faluji explained: “The Palestinian Authority began preparing the present intifada and bracing for it since the return from Camp David at the request of President Yasser Arafat, who envisaged the intifada as a complementary measure to the Palestinian steadfastness in the negotiations, and not as a protest over Sharon’s visit to al-Haram al-Sharif.”¹⁰¹

102. Two senior **Fatah** ideologues, the aforementioned Sakhr Habash and Othman Abu Gharbiya,¹⁰² have confirmed this description. Habash presented Arafat’s performance at Camp David, less than two weeks before Arafat launched his war of terror, in the following words: “Brother Abu Ammar [Arafat’s *nom de guerre* – E.K.] spoke in the language of a true believer, as a man who foresees the option facing him and the great Palestinian people: confrontation.” Habash explained that Arafat had chosen this option because he had

⁹⁹ *Al-Hayat al-Jadida*, July 22, 2000.

¹⁰⁰ *Al-Hayat al-Jadida*, January 30, 2001.

¹⁰¹ *Al-Ayam*, December 6, 2002.

¹⁰² Abu Gharbiya, a senior **Fatah** official, served at the time as head of the PA’s “**Political and National Guidance**” organization. That organization – which was directly subordinate to Arafat (and even today, remains subordinate to the Chairman of the PA and the PLO) – is in charge of shaping Palestinian public opinion in general, and ideological-political indoctrination of the commanders and activists of the “**security organizations**” and PA employees in particular, in accordance with the messages which the Palestinian leadership has sought to convey to the Palestinian public.

understood that “the Israelis were incapable of delivering a real peace, the peace of the brave, which he had always desired.”¹⁰³

- 103. Two months after the beginning of the terrorist offensive, Habash again, more extensively, explained why the failed summit had inevitably led to the intifada. In his account, the Camp David summit had clearly proved that the Barak government was not a true peace partner and that the Americans would not pressure Israel to move toward the Palestinians. Therefore, the PA and the important Palestinian organizations, principally **Fatah**, had come to the conclusion that armed resistance was the only real option for achieving their strategic goals.
- 104. Habash and Abu Gharbiya fully admitted that the new confrontation was not a spontaneous reaction to Sharon’s visit. Far from it: it was a “War of Independence and Return,” that had been planned in advance and carefully prepared, the culmination of a protracted Palestinian struggle in general and of the first intifada in particular:

It accumulated in the depths of our people and channeled into an explosion in the face of the Barak government’s procrastination, for a year and a half, over a fundamental problem – that of independence. Independence was the core issue of the intifada that broke out in al-Aqsa and spread to the rest of the cities, camps and villages in the West Bank and the Gaza Strip, as well as the Palestinian cities and villages within the Green Line [that is, pre-1967 Israel – E.K.].¹⁰⁴

- 105. Mamduh Nawfal, a leading PLO thinker and prominent Arafat advisor, also confirmed the role of the PA in the ostensibly “spontaneous” terrorist offensive. In his words:

The intifada was neither a mass movement detached from the Palestinian Authority nor an instinctive popular uprising. Quite the contrary in fact. It was started by a deliberate decision by the highest echelons of the Authority before being transformed into a popular movement. This happened immediately after Sharon’s al-Aqsa visit, when the Authority’s political and security bodies met and decided to protect al-Aqsa. Yasser Arafat viewed the visit as a flashpoint that could inflame not only the Palestinian land but also the situation beyond Palestine’s borders. Accordingly, decisions about concrete preparations were made, and the Authority’s various forces held meetings in which they decided to move their fighters toward al-Aqsa on Friday.

“This movement was militarized from the first day,” Nawfal continued, and stated:

The [“intifada” – E.K.] began with blood and bullets already at the al-Aqsa compound on [September – E.K.] 28 and 29 [2000 – E.K.], and continued

¹⁰³ *Al-Hayat al-Jadida*, September 20, 2000.

¹⁰⁴ *Al-Hayat al-Jadida*, November 7 and December 7, 2000.

this way to today. If we go back to the history of the movement, we will discover that not a single day has passed without arms or armed men playing a role in the confrontation. Armed clashes began on Friday, September 29, and continued with the appearance of armed personnel in the demonstrations and their participation in the shooting at settlements adjacent to the [Arab] towns, steadily moving toward full-fledged participation of the Authority's organs in the fighting. But even the armed men, who participated in the fighting from the start, were not unattached to the Palestinian Authority, its organs, or the ruling party [that is, **Fatah** – E.K.]. This is because weapons are primarily in the hands of the Palestinian Authority's organs and the ruling party, and are not readily available to the public at large, apart from a specified number of people who received them at one time or another.¹⁰⁵

106. Marwan Barghouti, who more than anyone else came to epitomize the Palestinian terrorist offensive, expressed himself with similar frankness. In response to a question by an Egyptian interviewer as to whether he believed that Arafat wanted to end the war, Barghouti answered, "The continuation of the intifada serves the interests of the Palestinian Authority, which has reached a deadlock in the negotiations. Experience shows that negotiations are ineffective in the absence of real resistance on the ground because the Israelis will only listen to themselves, while the United States is totally biased in favor of the Jewish state."¹⁰⁶
107. In another interview, Barghouti was proud to admit his decisive role in initiating the war. Barghouti said: "I knew that the end of September was the final deadline for the explosion, but when Sharon visited al-Aqsa Mosque, this was the most appropriate moment for the outbreak of the intifada." He added:

The night prior to the visit I participated in a panel discussion on a local television station and seized the opportunity to call on the public to go to al-Aqsa in the morning, for it was inconceivable for Sharon to visit al-Haram al-Sharif as a matter of course and walk away peacefully. I finished and went to al-Aqsa in the morning... We tried to create clashes, albeit without success because of the differences of opinion that emerged with others in the al-Aqsa compound at the time... After Sharon had left, I remained for a couple of hours with some other people, and we discussed the matter of response throughout the entire country and not just in Jerusalem. We contacted all [the Palestinian – E.K.] factions... I prepared a leaflet in the name of Fatah's Higher Committee, coordinated with the brothers [for example, Hamas – E.K.], in which we called for a reaction to what happened in Jerusalem.¹⁰⁷

¹⁰⁵ "A Viewpoint on the Development and Objectives of the Intifada" [Arabic], *Majlat al-Darasat al-Filastiniyya*, No. 47, Summer 2001, pp. 44-45.

¹⁰⁶ *Al-Musawwar*, Cairo, November 10, 2000.

¹⁰⁷ *Al-Hayat*, London, September 29, 2001.

108. In an interview with Dubai TV on December 12, 2012, Arafat's widow, Suha, confirmed the above Palestinian accounts that her late husband had planned the "al-Aqsa intifada." "Immediately after the failure of the Camp David [negotiations], I met him in Paris upon his return," she said. "Camp David had failed, and he said to me, 'You should remain in Paris.' I asked him why, and he said, 'Because I am going to start an intifada. They want me to betray the Palestinian cause. They want me to give up on our principles, and I will not do so.'" Suha further recalled the late PLO and PA chairman saying: "'I do not want Zahwa's [Arafat's daughter's - EK] friends in the future to say that Yasser Arafat abandoned the Palestinian cause and principles. I might be martyred, but I shall bequeath our historical heritage to Zahwa and to the children of Palestine.'"¹⁰⁸

E. Summary and conclusions

- 109. The "al-Aqsa Intifada" was not a spontaneous eruption but a premeditated war of terror waged by the PA and the PLO. For Arafat and the PLO/PA leadership, the Oslo process had always been a strategic means not to a two-state solution—Israel and a Palestinian state in the West Bank and Gaza—but to the substitution of a Palestinian state for the state of Israel. Having realized that negotiations, coupled with repeated terror attacks during the 1990s, would not produce this result, they resorted to wholesale violence that pitted Palestinians and Israelis in their bloodiest and most destructive confrontation since the 1948 war.
- 110. It was the Palestinian leadership which chose the timing of the ostensibly "spontaneous popular uprisings"; it was the Palestinian leadership which selected the pretext for unleashing this tidal wave of violence; and it was the Palestinian leadership which directed the course of the events from the beginning. In so doing, it was not necessary for the Palestinian leadership to direct each individual terrorist attack, each and every violent incident; it was enough for it to prepare the ground, to incite the violence and to encourage it in all forms, in order to sustain those waves of violence and terrorism. At the same time, on no small number of occasions, entities within the PA and the PLO participated in directing specific incidents of violence and terrorism in addition to laying the groundwork and fanning the flames in general. These statements apply to both the waves of violence and terrorism (the ostensibly "popular" waves, and the waves of "high-quality terrorist attacks" with multiple victims, such as suicide bombings) during the years preceding the "al-Aqsa intifada," and the course of the terrorist offensive itself.
- 111. What makes the PA's war of terror all the more tragic is that its initiation was anathema to the vast majority of the West Bank and Gaza residents, not only because their economic situation from 1997 was steadily improving after four years of decline (see sections 89-90 above), but also because they had always been better disposed to a two-state solution than the PLO, which had adamantly rejected Israel's right to exist and has persistently sought its destruction.

¹⁰⁸ MEMRI TV, "#3689 – Suha Arafat, Widow of Yasser Arafat: The 2000 Intifada Was Premeditated, Planned by Arafat," [Dubai TV](#), December 16, 2012.

112. According to Palestinian commissioned public opinion polls taken in September 1993, sixty-five percent of residents in the territories supported the peace process, with fifty-seven percent amenable to revising the Palestinian Covenant as promised by Arafat's letter to Rabin of the same month (among Gaza and Jericho residents, who were to be the first beneficiaries of the process, support ran even higher, at seventy and seventy-five percent respectively). By January 1996, when Israel transferred responsibility for the West Bank's Palestinian population to the PA (control of the Gaza residents had already been surrendered in 1994), support for the peace process had risen to eighty percent, while endorsement of terrorist attacks had dropped dramatically to about twenty percent. Even after the tension of the Netanyahu era, support for the peace process remained as high as sixty percent.¹⁰⁹

113. These findings become even more significant in view of the fact that support for peace, and opposition to terrorism, was strongest among the less educated parts of Palestinian society - representing the vast majority of the population - whereas the greatest propensity for violence was exhibited by the best educated strata. For example, some eighty-two percent of people with a low education supported the Interim Agreement of September 1995, and eighty percent opposed terror attacks against Israeli civilians, compared to fifty-five and sixty-five percent respectively among university graduates. Even on the thorniest issue of the Palestinian-Israeli dispute, and the one central to the PLO's persistent effort to destroy Israel, namely, the "right of return," residents of the territories had been far less dogmatic than their PLO and PA leaders. In a survey held in March 1999, two months before the lapse of the official deadline for the completion of the final-status negotiations, less than fifteen percent of respondents viewed the refugee question as the most important problem facing the Palestinian people. Within less than a year from the establishment of the Palestinian Authority in Gaza, more than half of the area's residents claimed to have been happier under Israel. In December 1996, only a couple of months after the "tunnel war," seventy-eight percent of Palestinians in the West Bank and Gaza rated Israeli democracy as very good or good, compared to sixty-eight for the United States, six-two for France, and forty-three for the PA. Only 6.9 percent of Palestinians had a negative opinion of Israeli democracy.¹¹⁰ As such, the "al-Aqsa Intifada" was not only a flagrant violation of the PLO/PA's contractual undertakings with Israel but, first and foremost, a betrayal of their Palestinian constituents.

¹⁰⁹ Khalil Shikaki, "Palestinian Public Opinion about the Peace Process, 1993-1999," Washington, D.C., *Center for Policy Analysis on Palestine*, 1999; "New Beginning," *U.S. News & World Report*, September 13, 1993, p. 27.

¹¹⁰ "Results of Public Opinion Poll, No. 19: The West Bank and the Gaza Strip, August/September 1995," Nablus, *Center for Palestine Research and Studies* (CPRS), p. 10; "Results of Public Opinion Poll, No. 20: The West Bank and the Gaza Strip, 13-15 October 1995," *CPRS*, p. 5; "Results of Public opinion Poll, No. 25," 26-28 December 1996, *CPRS*, p. 14; "Public Opinion Poll No. 31 – Part I On Palestinian Attitudes towards Politics," *Jerusalem Media & Communications Center* (JMCC), March 1999, p. 3; *Maariv*, March 14, 1995; Peter Hirschberg, "The Dark Side of Arafat's Regime," *Jerusalem Report*, August 21, 1997, p. 25.

114. Specifically, and as noted at the outset of this report, the attacks at issue in the Sokolow case took place as part of and in the context of the al-Aqsa intifada. These attacks not only took place, chronologically and geographically, as part of the al-Aqsa intifada, but were fully consistent with the policies and goals of the PA and PLO at that time, and served the political purposes and aims of the PA and PLO at the time.

115. In witness whereof I have affixed my signature, on this day, 20 March 2013 and I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Prof. Efraim Karsh